

IOWA

"50 STATES PROJECT"

A Review of
The 1983 Iowa Code
For Sex Discrimination

—

FEBRUARY 1984

I O W A

" 5 0 S T A T E S P R O J E C T "

A REVIEW OF

THE 1983 IOWA CODE

FOR SEX DISCRIMINATION

FEBRUARY 1984

REPORT PREPARED AT THE REQUEST
OF

GOVERNOR TERRY E. BRANSTAD

BY

THE 50 STATES COMMITTEE OF THE

IOWA COMMISSION ON THE STATUS OF WOMEN
AND

STATE AGENCY ATTORNEYS

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The Honorable Terry E. Branstad
Governor of Iowa
State Capitol Building
Des Moines, Iowa 50319

Dear Governor Branstad:

On behalf of all the individuals who have contributed toward the completion of the Iowa "50 States Project", I wish to express appreciation for your commitment and support which made this Project a reality. From your campaign pledge through your inaugural statement through your provisions for staff and resources, your commitment to this comprehensive review of the Iowa Code for sex discrimination has been a source of encouragement for all who have devoted so many hours to this Project.

Kathryn Graf, the Administrative Rules Coordinator assigned from your office as the staff liaison for the 50 States Project, deserves special commendation. She coordinated the process of receiving comments from the attorney reviewers, department heads, and the 50 States Committee of the Iowa Commission on the Status of Women, and did additional research on her own. It was she who compiled the findings and recommendations which follow.

In this report, we have identified areas of potential language, facia and impact sex discrimination. The report contains 100 recommendations for substantive change in the Iowa Code. An additional 18 sections were identified as potentially discriminatory, but are not recommended for change at this time. Also, 776 sections with gender based language were identified. Recommendations include provisions to extend applications, privileges, and guarantees to men as well as to women. The 50 States Committee has categorized the major recommendations for change into seven areas: Child Custody, Responsibility, and Support; Corrections; Employment; Inheritance and Probate; Insurance and Retirement Benefits; Marriage Relationship; and Veterans' Preference. While a careful word-by-word review was conducted, we do not suggest that this report contains all areas of potential sex discrimination.

The challenge before us now is to address the recommendations through the legislative process. We pledge our support in working to effect these changes. All of us can be proud of the leadership that Iowa once again has demonstrated in ongoing efforts to ensure both quality and equality of life for all its citizens.

Sincerely,

Patricia L. Gadelmann

February, 1984

Patricia L. Gadelmann, Ed.D.
Iowa 50 States Project Representative
Chair, Iowa Commission on
the Status of Women

ACKNOWLEDGEMENTS

This Project was truly a group effort of many state employees and individual citizens who volunteered their services.

Kathryn L. Graf, Administrative Rules Coordinator and staff liaison to the project for Governor Terry E. Branstad, coordinated the process of soliciting and receiving comments from the attorney reviewers, department heads, and the 50 States Committee of the Iowa Commission on the Status of Women. She prepared numerous drafts of this report based on the recommendations she received and the supplementary research which she did.

Evelyn I. Hill, an attorney with release time from Job Service, conducted the training session for the attorney reviewers, coordinated the attorney review work, and reviewed a portion of the Code herself.

Barbara Boysen, Peter J. Fox, R. Cheryl Friedman, Diana L. Hansen, Alice J. Hyde, Donna L. Hylarides, Artis I. Reis, Ione G. Shaddock, and Larry L. Tuel served as the attorney reviewers, along with Evelyn I. Hill. R. Cheryl Friedman provided additional assistance with background research and the assumption of a larger portion to review.

Peg Anderson, Clinton P. Davis III, Nancy R. Hauserman, and Mary Wiberg served on the 50 States Committee along with Dr. Sue Follon and Dr. Patricia Geadelmann. These individuals contributed to the planning process, attended the training, evaluated the findings, and formulated the recommendations.

Dr. Sue Follon, Executive Director of the Iowa Commission on the Status of Women, provided office space and support staff for the project. She contributed to the planning process for the organization of the project and for the training of the attorney reviewers. In addition she provided supporting statistical information for the report.

Jane I. Barker, Mary J. Richardson and Jane H. Warren provided staff support critical to the work of all the individuals involved in the production of this report.

The conscientious work and personal commitment of each of the above made service with this project a very rewarding experience.

Patricia L. Geadelmann

Patricia L. Geadelmann, Ed.D.
Iowa 50 States Representative
Chair, Iowa Commission on
Status of Women

PERSONNEL

This program was completed at the request of Governor Terry E. Branstad. We thank him for his encouragement and support and for making this a high personal priority. Without his initiative, this report would not have been possible.

The following persons are responsible for the completion of this report:

Dr. Patricia L. Geadelmann, Iowa's 50 States Representative and Chair, Iowa Commission on the Status of Women
Kathryn L. Graf, Governor's liaison to the 50 States Project and Administrative Rules Coordinator.

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I

PROJECT ORGANIZATION

A. History

The "50 States Project" is the name given to President Ronald D. Reagan's 1981 pledge to encourage the fifty governors to initiate individual state projects to review their state Codes for unequal treatment of persons based upon sex. We believe that Iowa is the first state to complete this project.

Project efforts in Iowa began in June of 1981, when then Governor Robert D. Ray appointed Dr. Patricia L. Gadelmann, Chairperson on the Iowa Commission on the Status of Women, as Iowa's 50 States Project representative. A 50 States planning committee was formed consisting of members from Governor Ray's staff, the Iowa Commission on the Status of Women, and the Iowa legislature. Various alternatives for reviewing the Iowa Code and the Iowa Administrative Rules were studied and recommendations of this group were reported to Governor Terry E. Branstad prior to his inauguration.

B. Organization

In his inaugural address given on January 14, 1983, Governor Terry E. Branstad affirmed his commitment to the "50 States Project." Prior to his inauguration, Iowa officials expressed support for the project, but no mechanism had been created for reviewing the Iowa Code. Governor Branstad appointed Kathryn L. Graf, Administrative Rules Coordinator, to organize and coordinate the project. A 50 States Committee was formed within the Commission on the Status of Women to work on the project.

Governor Branstad's office secured the release of Evelyn I. Hill, a hearing officer for Job Service of Iowa, on a half-time basis for six months to train additional attorneys and coordinate the attorney review process. The 1983 Code was divided into ten equal parts and nine additional state attorneys were released part-time for six weeks to do the actual Code review, along with Evelyn I. Hill.

C. Procedures

A training session was held on April 12, 1983 for the attorneys and for the five members of the 50 States Committee of the Iowa Commission on the Status of Women. At the session, Governor Branstad expressed his support for the project. Each attorney was given a training manual outlining the process to be followed in the review and containing examples of the three different forms of sex discrimination: gender-based language, language which is discriminatory on its face, and language which results in a discriminatory impact.

The training session included a practice review of an excerpt from the Iowa Code. Individual analyses were compared, followed by a group discussion. This training helped ensure a common frame of reference for the attorney reviewers. An example of the format for reporting was provided and each attorney was assigned 400 pages to review. Subsequently, regular meetings with these attorneys were held to discuss findings, answer questions, and check progress. Attorneys were asked to include any Code sections where problems "may" exist so that all possible problems could be reviewed and discussed.

After the attorneys had submitted their reports, Governor Branstad asked each state agency to comment on the identified Code sections which related to that agency. These state agency responses were prompt and informative, often providing helpful background and historical information regarding Code sections. The 50 States Committee of the Commission on the Status of Women, chaired by Dr. Patricia L. Geadelmann, then reviewed the Code sections and the agency responses and made recommendations.

After compiling the agency responses, comments and information provided by the 50 States Committee, information provided by the attorney reviewers and her own research, Kathryn L. Graf wrote a draft report. The 50 States Committee then reviewed the draft report, provided additional information and made recommendations. Graf then wrote the final report with the exception of the section on legislative priorities, which was written by various members of the 50 States Committee and compiled by Dr. Geadelmann. The legislative priorities listed in this report are those of the 50 States Committee of the Commission on the Status of Women.

II

STANDARDS FOR REVIEW AND GUIDELINES FOR READING THIS REPORT

Attorneys were asked to identify three different forms of disparate impact: gender-based language, facia and impact. A discussion of these three forms follows.

A. Gender-based language. Attorneys were asked to identify words which are either masculine or feminine but which are written with the intent of applying to both men and women. Examples of such words are "salesman," "policeman," and "chairman." The words identified are listed in the glossary along with suggested alternatives for these. The Code sections in which these problematic words appear are listed in the glossary after each word. The glossary lists preferred alternative words which are not sex-based. For example, "policeman" could be changed to "police officer."

The only gender-based words that are completely excluded from this report are "he," "him," "his," "she," "her," "hers." Although these words are used profusely in the Iowa Code and need to be eliminated, it was believed to be unnecessary to include them in this report because the legislature has directed the Code Editor to have these words removed from the Iowa Code (1985). These words can be easily identified by a Legislative Service Bureau computer search and the Code sections in which they appear will be rewritten so as to eliminate gender-based words. For example, "he" or "she" can be changed to "the person."

In addition, there are some references to both sexes which are included in the glossary. For example, Code sections where the words "husband," "wife," "son," and "daughter" are used in the context of "husband or wife," and "son or daughter," are listed in the glossary. The intent of the drafters of these phrases was to recognize both sexes, and, for that intent, the drafters should be complimented. However, it is preferable to desex the Code by referring in the alternative to "spouse," and "child," respectively.

B. Facia Problems. If the statute treats one sex differently than the other, facia problems exist. For example, Iowa Code Section 246.31 (1983), states that men committed either to the state penitentiary or reformatory are sentenced to "hard labor" when, in fact, there is no corresponding

sentence imposed on women. Iowa Code Section 659.4 (1983), provides women certain advantages over men in recovering damages when filing libel suits if one's chastity has been tarnished. When facia discrimination was identified in this report, the Code section where the discrimination appears has been typed and an issue and recommendation follows the Code section.

There are a very few instances when treatment may be appropriately different based upon sex differences. Obviously, references to sperm donors or pregnancy apply to only one sex. These very few references were not included in this report.

C. Impact Problems. Unlike facia problems, where sexes are treated differently "on their face," impact problems exist in statutes where an attempt has been made to treat both sexes equally, but the resulting impact has a disparate impact on one sex. For example, Iowa Code Section 674.6 (1983), requires a married person to obtain the spouse's permission before the married person may obtain a name change. This section is intended to apply to both sexes equally. However, since more married women change their last names to that of their husbands, there are probably more married women than men who may desire to change their names (for example, back to their unmarried names) and therefore, more women will need to obtain their husbands' permissions than husbands will need their wives' permissions. When an impact problem was identified, the Code section in which it appeared has been typed and an issue and recommendation follows the Code section.

III

CAVEAT

Although the entire 1983 Code of Iowa has been reviewed for disparate impact, we cannot be sure that we have identified every Code section where gender-based language, facia or impact problems exist. Each Code section was read by one attorney. The attorneys were trained prior to reviewing the Code, and we believe that the attorneys involved in this review were both thorough and sensitive to the issues. However, there may be some Code sections which were overlooked. If any person identifies additional problem areas in the Iowa Code (1983) which were not addressed in this report, we welcome and solicit this information. Please contact Kathryn L. Graf, Administrative Rules Coordinator, State Capitol, Des Moines, Iowa 50319.

This report purports to identify problem areas or possible problem areas. Although research was done on the problem areas identified, no claim is made that such research is definitive. If each Code section had been thoroughly reviewed and researched for case law, legislative history and constitutional implications, it would not have been possible to have this report in your hands today. A decision was made to identify the problems and release this report after some, but by no means exhaustive, research had been completed so that all interested persons may become involved in the free and lively discussion and review of this report.

IV

TOPICAL SUMMARY OF SUBSTANTIVE RECOMMENDATIONS
FOR CHANGE BY THE 50 STATES COMMITTEE OF THE
IOWA COMMISSION ON THE STATUS OF WOMEN

A. Recommendations Requiring Legislative Action

1. Child Custody, Responsibility and Support

The Code should be consistent in assigning responsibility for children equally between both parents.

- a. Section 675.1 requires responsibility of only the father for paying for out-of-wedlock births. The recommendation is that both parents share this responsibility according to their ability to pay.
- b. Section 597.15 also provides only for the mother to receive automatic custody if the father abandons the mother. The recommendation is that abandonment be clearly defined by the Code to include reference to the children and that consideration be given to the fitness of each parent and the needs of the children when deciding custody.
- c. Section 675.2 of the Code allows for a mother to recover a reasonable share of support from the father, but does not provide similarly for the custodial father. It is recommended that custodial parents be allowed to recover support from the noncustodial parents.
- d. Section 613.16 assigns liability for damages done by a child to the parent with legal custody. Consideration is not given to the responsibility of a parent with physical custody during visitation. It is recommended that the responsibility for damages be assigned to the parent with physical custody or shared if the child is in transit.

2. Corrections

Chapter 245 deals with "Women's' Correctional Facilities" and Chapter 246 deals with "Men's' Correctional Facilities." Thus, Code sections relating to inmates are divided according to sex. Additional statutes related to corrections are found in other chapters. The result is that there are at least 33 sections in which a requirement is imposed or a right is extended to one sex but not to the other. Examples include the right for female inmates, but not for male inmates, to have a guard of their own sex accompany them during transfer; the provision of uniforms for guards at male institutions but not at female institutions; and the provision for pre-release job counseling for males but not for females. Discussions with officials in the Department of Corrections revealed that in practice many of these statutes are applied equally. The recommendation is that corrections statutes be contained in a single chapter of the Code with distinctions based on the security level of the institution, not the sex of the inmate. Although we are making recommendations for change in each of the identified sections in the report, as long as two separate chapters remain, there is a likelihood of continued disparities in the future.

3. Employment

- a. Sections 400.12, 400.28 require that necessary lay-offs in city and county governments be done according to strict seniority. This can have a disproportionately adverse effect on members of the protected classes, of which women are a member, who are most likely to have recent hirings under affirmative action. It is recommended that protection be guaranteed a percentage of protected classes in each job classification comparable to their representation in the general population.

- b. In Section 68B.2(12) wives, but not husbands, of state employees are subject to conflict of interest laws. It is recommended that the spouse, regardless of sex, be subject to these laws.

4. Inheritance and Probate

- a. Section 633.210 provides that where there is no will, the surviving spouse shall get 1/3 of the estate and the children shall get 2/3. To be consistent with the view of marriage as a partnership, it is recommended that the spouse be entitled to 1/2 of the estate.
- b. When property is held in joint tenancy the surviving spouse is entitled to claim half of the property automatically free from inheritance taxes. If the surviving spouse can prove by "money or other property" contributions in excess of 1/2, that too shall be exempt (Section 450.3(5)). This provision fails to fully recognize the economic contribution of the homemaker. It is recommended that "other services" be included in the items of proof.

5. Insurance and Retirement Benefits

- a. Section 601A.13 of the Civil Rights Act permits discrimination on the basis of sex in retirement and benefit systems. Chapter 508 of the Code contains a series of mortality tables based on sex which are approved for use by life insurance companies. As a matter of public social policy, fairness is not served by permitting arbitrary decisions about an entire class of persons based on sex. It is recommended that the Iowa Code specify the use of sex-blended mortality tables on a prospective basis for establishing the baseline rates necessary to guarantee a level of reserves sufficient to maintain solvency. This would not interfere with the insurance industry's freedom to establish appropriate risk classifications for the pricing of policies. It would, however, remove the government from a position of advocacy for sex-based tables.

- b. Surviving spouses of judges who are removed from office effectively lose their rights to pension benefits under sections 605A.14 and 605A.29.

Surviving spouses who remarry also lose all rights to retirement benefits in section 605.15. This has a disparate impact on women. It is recommended that changes be made to provide surviving spouses of judges access to benefits consistent with provisions for employees under I.P.E.R.S.

6. Marriage Relationships

- a. Marriage prohibitions are outlined in section 595.19(2). It appears that women may be prohibited from marrying more relatives than men. It is recommended that prohibitions be limited to blood relatives of the individual.
- b. A judge currently is allowed to consider the sex of the applicant in issuing temporary orders in a dissolution case (Section 598.14). To avoid the possibility of decisions based on stereotypes, it is recommended that this provision be eliminated.

- c. Individuals are required under section 674.6 to obtain permission from their spouses for a name change. Women are more often affected by this and as adults should not be required to seek such permission. It is recommended that this requirement be struck and replaced with a requirement that spouses be given legal notice of the name change.

7. Veterans' Preference

Veterans' preference as a public policy was defined originally in 1944 and 1952 by the United States Congress in the Veterans' Readjustment Act. The purpose of these acts was to provide "aid for the readjustment in civilian life;" "...readjustment.... opportunities to those...whose ambitions have been interrupted or impeded by reason of active service..." and aid in "...attaining the...status which they might normally have aspired to and obtained had they not served their country...."

Support of the above as a public policy applied through the laws of the State of Iowa is affirmed. Present Iowa law, however, extends the application of the above purposes beyond their original intent, the impact of which serves to the distinct disadvantage of women. Recommendations for change in veterans' preference laws in Iowa are an attempt to simultaneously restore and preserve the original intent for readjustment assistance and reduce some of the excesses that have resulted in the application of preferences in Iowa.

- a. It is recommended that veterans' preference in securing public sector employment be consistent at all levels of government. The Iowa Code currently contains a general statute (section 70.1) which addresses veterans' preference and two specific statutes which address preference for state government (section 19A.9(21) and for local government (section 400.10). Wartime veterans who are applicants for state government positions have points added to their examination scores, while wartime veterans who are applicants at the city and county levels are given absolute preference over all other qualified applicants. It is recommended that statutory provisions providing for the absolute preference in local government (section 400.10) be eliminated and that the local preference policy be consistent with that of the state policy, which is found in section 19A.9(21).

- b. Sections 70.1, 19A.9(21) and 400.10 should be modified to be more consistent with the original intent of veterans' preference to assist in readjustment and reintegration, as opposed to being a lifetime benefit. It is recommended that the above statutes be changed to permit two uses of the veterans' preference points for either original employment or promotion during the first ten years following discharge, with disabled veterans eligible for the two uses at any time.

B. Recommendation Requiring No Legislative Action

1. Equity issues in appointments and job qualifications.

Appointment to full-time government jobs and to part-time boards and commissions at both the state and local levels constitute opportunities for professional advancement, public service, and increased community status. Women, historically have been underrepresented in these positions for a variety of reasons, including some specific requirements in the Code for various positions which few women have been able to meet.

For example, Section 246A.2 requires that the Superintendent of the River View Release Center be "a reputable and qualified person experienced in the administration of programs for the rehabilitation and preparation of prisoners for their return to society." The chief of a fire department is required to have had "...a minimum of five years experience in a fire department, or three years experience in a fire department and two years of comparable experience or educational training" (Section 413). Section 524.201 provides that "the Superintendent of Banking must have had at least five years experience in a bank or in the regulation or examination of banks." Both the Superintendent and deputy Superintendent of Public Instruction are required to "have had at least five years experience in 'educational administration' and '...hold or be eligible to hold a regular Iowa Superintendent's certificate...' (Section 257.12).

Each of the above examples represents areas where few women have ventured. One might suggest that the qualifications be modified in order to increase the opportunities for women to assume these positions. It is not, however, recommended that such changes be made. A careful review of these and other similar sections has led to the conclusion that the experience required is reasonable. Further, it is believed that the number of qualified women will increase as women continue to expand their job skills in nontraditional fields and lengthen their years of employment.

It should be noted that the majority of persons serving on state professional and occupational licensing boards must be members of the profession or occupation for a period of five years preceding appointment (Section 143.16). This requirement has resulted in a disproportionately large percentage of men in these positions. However, it should be noted that with the increasing number of women entering

professional fields, the pool of women eligible for appointments will expand. For example, women constitute 36% of the 1983 first year class at the University of Iowa Law School and 35% of the 1983 first year class of the Iowa State School of Veterinary Medicine.

There does remain a significant concern about the underrepresentation of women in educational administration from elementary school through the college and university levels. Education is a field which has been very traditional for women to pursue, and one would expect to have seen greater progress in Iowa. Statistics from the Department of Public Instruction for December 1983 indicated that less than 7% of the local district administrators were women:

	Men	Women
Superintendents	433	6
Ass't. Supts.	34	1
Sr. High Principals	416	9
Ass't Sr. High Prins.	138	9
Jr. High Principals	112	5
Ass't Jr. High Prins.	54	8
Elementary Principals	538	76
Ass't Elen. Prins.	8	2
	1733	116

Department of Public Instruction figures for the Fall of 1983 indicate only 12 women in major leadership positions at the 15 community colleges. Only one of these women reports directly to a superintendent. The other 11 report to a dean or vice president. Eight of the 15 community colleges had no women deans, directors, or administrative officers.

In the fall of 1983, only one woman served as president of a college or university in the state. Clearly, public and employer education is needed at all levels to promote the pool of qualified women and the need to actively seek women for administrative positions.

An example of such education was a conference held in October 1983, titled "The Way Up: Women in Higher Education Administration" which was co-sponsored by the Iowa Coordinating Council on Post High School Education, the Iowa Commission on the Status of Women, and the American Council on Education National Identification Program. Some 350 individuals attended, including women aspiring to administrative positions and men currently in administrative positions.

The State of Iowa should actively encourage the employment of women in administrative positions.

The key to the increased appointment of women to boards, commissions, and full-time government positions is in the receptivity and commitment of the appointers to seek out qualified women. Iowa has been fortunate that at the state level former Governor Robert D. Ray and Governor Terry E. Branstad have demonstrated such a measurable commitment. During the last year of the Ray administration, women constituted 33% of all appointments made. During 1983, Governor Branstad made even greater headway, with 46% of his new appointments being women. Iowa thus continues to have a greater percentage of women appointed to part-time boards and commissions than any other state.

Because the pool of professional women eligible for appointment is increasing and because strides have been made in the appointment of women, no legislative recommendation in this area is made. It is not necessary nor advisable to lower eligibility requirements. While it may be more difficult to find qualified women for some boards or positions, the climate has become increasingly favorable for extra effort to be put forth in the search process.

V

TOPICAL SUMMARY OF SUBSTANTIVE IMPACT
AND FACIA RECOMMENDATIONS FOR CHANGE

The following is a complete list by topic of the Code sections in this report where substantive issues were identified and recommendations for change were made. Code sections with stars are included in the 50 States Committee's legislative priorities. More detailed discussions of these sections are included in the body of the report.

APPOINTMENTS

234.9 The requirement that at least one woman shall be a member of each county board of social welfare should be eliminated.

258.7(17) This section states that a woman with certain statutorily defined skills must be appointed to the Vocational Education Advisory Council. This section should be changed so that men with the defined skills may also be appointed.

601F.2 Delete the requirement that members of "women's groups" must be considered for membership on the Governor's Committee on the Employment of the Handicapped.

CHILD CUSTODY, SUPPORT AND RESPONSIBILITY

31.4 The Governor should be required by law to issue a proclamation calling for a Father's Day. The present law provides only for a Mother's Day.

238.44 This section provides that, in a paternity action, a man who relies upon any relationship with a woman has the burden of proving the relationship. This section is no longer applicable to the chapter and should be repealed.

597.15* A husband should be entitled to the custody of minor children when the wife abandons the family just the same as a wife is entitled to custody of minor children when the husband abandons the family. However, the word abandon should be statutorily defined to exclude circumstances when the departing spouse takes the children, and should exclude circumstances where the spouse leaves due to physical or emotional abuse or other stressful circumstances.

613.16* The law should be changed to provide that the parent who has physical custody of the child, rather than the parent who has legal custody of the child, is responsible for acts of vandalism by the child.

633.425 In an estate, where assets are not sufficient to pay the debts, unpaid support payments should have priority over court costs, funeral expenses, medical expenses and debts owing to employees.

675.1* When a child is born out of wedlock, both parents, not just the father, should be responsible for paying the mother's pregnancy and confinement expenses.

675.2* This section provides for child support recovery by the mother from the father. If the father is the custodial parent, he should be entitled to child support from the mother.

675.3 In some cases, recovery against fathers for child support payments is limited to no more than two years of back support. This section should be applied equally to non-custodial mothers who are required to pay child support.

CORRECTIONS

*Many of the Corrections changes recommended could be accomplished most easily by rewriting the Iowa Code so that all of the laws pertaining to the Iowa Department of Corrections are in one chapter. Laws should apply to the various correctional institutions depending on the security classifications of the institutions.

- 218.91
331.756(41)
- According to these sections, dangerous juvenile males who have not been convicted of adult crimes, may be transferred to the Iowa Men's Reformatory. There is no corresponding section relating to dangerous juvenile females. These sections should be repealed because they conflict with the Federal Juvenile Justice Delinquency Prevention Act of 1974.
- 242.4
- Delete the requirement that juveniles at state training schools will be assigned jobs in accordance with their "dispositions."
- 244.3
- Children should be admitted to the state juvenile home based upon need, rather than requiring that children of veterans shall be admitted first.
- 245.5
- Abolish the antiquated privilege of allowing single women under the age of eighteen who have received life sentences to serve time in the state training school rather than the Iowa Correctional Institution for Women. See Section 331.756.
- 245.7
- The law should be clarified to ensure that female inmates are entitled to reductions of their sentences for good time just as male prisoners are entitled to receive, according to Section 246.39.
- 245.8
- The law should guarantee that each man who is committed to a penal institution must be accompanied to the institution by a man just as each woman who is committed to a penal institution must be accompanied to the institution by a woman.
- 245.10
- Eliminate this section which allows female inmates to be transferred from the Iowa Correctional Institution for Women to the Juvenile State Training School and from the State Training School to the Iowa Correctional Institution for Women.

- 245.13
- Specify that the Corrections Department must assist both male and female prisoners in obtaining employment and housing.
- 246.3
- Employees at the Iowa Correctional Institution for Women should be statutorily assured the same opportunity and economic benefit of wearing uniforms as is afforded employees at the correctional institutions housing male inmates.
- 246.8
- Specify that disciplinary reports must be kept on female inmates just as they are required to be kept on male inmates.
- 246.17
- State that discharged female inmates have the same opportunities for mental health treatment afforded discharged male prisoners.
- 246.31
- Eliminate the statement that male inmates are sentenced to "hard labor."
- 246.32
- Specify that officers at the Iowa Correctional Institution for Women have the same authority to enforce the law as do officers at the male institutions.
- 246.36
- The requirement that wardens at the male institutions should segregate prisoners under the age of eighteen should be abolished.
- 246.37
- Specify by law that the property of female convicts shall be protected by the warden. This service is guaranteed male inmates by law.
- 246.38
- These sections on sentencing and how sentences may be reduced for good behavior apply to female inmates but are located in Chapter 246, titled "Men's Correctional Facilities."
- 246.40
- Proper notice should be given female inmates by including these provisions in Chapter 245, titled "Women's Correctional Facilities."
- 246.41
- 246.42
- 246.43
- 246.47
- Either abolish the opportunity that male inmates have to volunteer for medical research or provide the same opportunity to female inmates.

- 246.48 Provide by statute that female inmates with treatable personality disorders shall be afforded treatment.
- 246.49 The Code should ensure the creation of a medium security building for female inmates. The rights of minimum security female inmates to be segregated from the medium and maximum security inmates should be assured.
- 246A.1 Guarantee by statute that women inmates may receive the pre-parole programs and services equal to those afforded male inmates.
- 331.702(45) Require the district court clerks to certify court information pertaining to all inmates rather than just information on inmates at the Iowa State Penitentiary and Iowa Men's Reformatory.
- 331.756(41) Specify that juvenile males with no adult convictions cannot be transferred to an adult correctional facility and juvenile males with adult convictions cannot be transferred to juvenile facilities.
- 356.4 Change the language of this section to state that jails shall contain separate facilities for inmates of each sex rather than making special note that separate facilities shall be provided for "females."
- 356.5(6) Male prisoners in jail should be guaranteed male guards just as female prisoners are guaranteed female guards.
- 448.12 The statute of limitations for the recovery of real estate for the nonpayment of taxes should be extended against female inmates just as it is by law against male inmates.
- 812.5 Clarify that this section pertaining to persons accused of crimes who may be mentally ill applies to women and not just men.

- 815.8 Clarify that sheriffs are entitled to fees for delivering female prisoners just as they are entitled to fees for delivering male prisoners.

ELECTION OF JUDGES

- 46.21 Change the hypothetical judicial ballots in the Iowa Code which list only men's names so that one-half of the names listed are women's names.

EMPLOYMENT

- 68B.2(12)* Wives of public employees, but not husbands of public employees, are subject to limitations on employment, contracting, acceptance of gifts and the ability to bid on state projects. This section should be changed so that both husbands and wives are included or excluded from Chapter 68B.
- 96.5(1)(f) This section unnecessarily singles out a "widow" and a "widower" and those who are legally separated from their spouses and single persons, when, in fact, the law regarding voluntary quitting applies equally to all persons regardless of marital status.
- 96.19(18) The underlying assumption in this section is that only women are homemakers. "Housewife" should be changed to "homemaker."
- 107.14 It should be clarified that the "physical" and "moral" requirements which may be specified for a temporary conservation commission officer must be job related.
- 400.12* This section provides that those with the least seniority in civil service jobs may be the first ones to be removed.
- 400.28* Protected class persons as defined in the Iowa Civil Rights Act should be exempt from job reduction to the extent that persons in these classes are underrepresented and underutilized.

441.6

Delete the reference to "physical condition" and "general reputation" for applicants for appointment to the position of city or county assessor.

INHERITANCE AND PROBATE

450.3(5)*

The value of "services" should be included along with "money or other property" when determining contributions to a joint tenancy.

633.210*

When a spouse dies without a will, the surviving spouse should inherit the amount provided by law for a spouse who dies without children. The surviving spouse should inherit the same amount, which under Section 633.212, is roughly fifty percent of the estate, regardless of whether the deceased spouse had or did not have children. A study should be done as to whether property which the deceased spouse inherited and to which the surviving spouse made little or no contribution of money, property or other services should be part of a deceased spouse's estate for purposes of inheritance by the surviving spouse according to the laws of intestate succession.

633.211

633.212

633.238

A surviving spouse who elects to take against the will should be entitled to receive the same amount that a spouse could have received under Section 633.212 if the deceased spouse had died without a will and without children. However, a study should be done as to whether property inherited by the deceased spouse should be part of the estate for purposes of determining the surviving spouse's share.

INSURANCE AND RETIREMENT BENEFITS

508.36(2)*

The Chapter 508 Iowa Code sections listed 508.36(3)(a) refer to mortality tables. These tables 508.36(3)(a)(1) are not unisex tables. It is recommended 508.36(3)(a)(2) that the Iowa Code specify the use of 508.36(3)(a)(3) sex-blended mortality tables on a prospective

508.36(3)(a)(4)

basis for establishing the baseline rates necessary to guarantee a level of reserves sufficient to maintain solvency. This would not interfere with the insurance industry's freedom to establish appropriate risk classifications for the pricing of policies. It would, however, remove the government from a position of advocacy for sex-based tables.

508.36(3)(a)(5)

508.36(3)(a)(6)

508.36(3)(g)(2)

508.36(3)(g)(3)

508.36(3)(g)(4)

508.36(3)(g)(5)

508.37(5)(d)(1)

508.37(5)(d)(2)

508.37(6)(h)

508.37(6)(h)(4)

508.37(6)(h)(6)

508.37(6)(h)(7)

601A.13*

Equality based upon sex does not apply to retirement plans, according to the Iowa Civil Rights Act. The law should require unisex application of retirement plans.

605A.14*

A judge who is removed for cause should be able to receive retirement benefits based upon the amount contributed.

605A.15

The surviving spouse of a deceased judge should not lose retirement benefits paid from the judges retirement plan when the surviving spouse remarries.

605A.29*

The judicial retirement system should be rewritten to afford judges various retirement options from which they may select as is done for state employees under the IPERS retirement system. Some IPERS options provided for lower monthly payments but greater benefits to surviving spouses.

LIBEL AND SLANDER

659.4

Under present law, if a woman's chastity is libeled or slandered, a retraction is not permitted as a means of minimizing legal liability. The same protection should be afforded men.

MARRIAGE RELATIONSHIPS

77.12

The law should provide that the notary seals of all notaries public who marry shall be valid, even though the married names are different from the unmarried names. This protection should be codified for men and not afforded to just women as is presently the law.

595.19(2)*

The marriage statute should be changed so that only those persons closely related by blood and not by marriage are prohibited from marrying. Also, the law should be clarified so men are not prohibited from marrying more types of related people than women are prohibited from marrying.

598.14*

When a judge is issuing a temporary order in a dissolution case, the "sex of the applicant" should not be a consideration as is currently the case by law.

674.6*

Married persons should be able to change their names without obtaining their spouses' permission. Married persons changing their names should be required to give their spouses legal notice of the name changes.

MENTAL HEALTH INSTITUTIONS

222.38

Mentally retarded men may be taken to an institution by women while mentally retarded women must be accompanied by women. Mentally retarded men should be guaranteed that men must accompany them.

225.18

Female psychiatric patients must be accompanied to the psychiatric hospital by women. Male psychiatric patients should be afforded the protection of having men accompany them.

VETERANS PREFERENCE

19.16

Limit the veterans' preference to free space in state buildings for news, candy and tobacco stands to five years.

19A.9(21)*

Veterans are given a lifetime five point preference which is added on to their state merit system examination scores for jobs and promotions. Veterans who were not disabled should receive two uses of a five point preference which must be taken within ten years following discharge. Disabled veterans should receive two uses of a ten point preference which may be taken at any time following discharge. The definition of a "disabled" veteran should be limited to persons who have a service-connected disability for which they are receiving compensation from the Veterans Administration.

29A.28

Reduce the number of days a government employee may be absent for armed services duty with pay from thirty days to fifteen days. For the fifteen days off, the employee should elect to receive either armed services pay or salary pay from the government job, whichever is greater. The employee should not receive pay from both jobs.

35A.3

The requirement that the five members of the state commission of veterans affairs be honorably discharged veterans should be eliminated so that persons who are not veterans but who have a direct and personal interest in assisting veterans may be eligible for membership.

37.10

The requirement that five members appointed to each county or city veteran commission for the purpose of overseeing the building of local veterans monuments must be veterans should be eliminated so that other interested persons such as family members of deceased veterans may also serve.

70.1*

Preference points should be added to examination scores of qualified veterans who apply for government jobs no more than twice during the first ten years following discharge.

219.8

The requirement that the commandant of the Iowa Veterans Home must be a veteran should be eliminated.

248.4

The preference given to veterans for pardons, commutations, remission of fines and forfeitures, and restoration of citizenship rights should be eliminated.

250.3

The requirement that all three members of each county commission of veterans affairs be veterans should be eliminated.

282.6

Provide that all persons who serve in the armed forces of the United States, not just "soldiers, sailors and marines" are entitled to free tuition to complete high school.

331.361(4)

Limit the veterans' preference to free space in county buildings for news, candy and tobacco stands to five years.

331.441(2)(c)

Counties should be allowed to issue general county purpose bonds for any historical memorials and monuments desired by county citizens rather than just memorials and monuments commemorating veterans.

400.10*

Veterans who apply for civil service jobs should be allowed to receive a five point preference which may be taken twice within ten years of discharge rather than receiving an absolute lifetime preference as is presently the law. The veterans' preference allowed for civil service applicants should be the same as the veterans' preference allowed for state merit job applicants.

410.7

411.9

Eliminate the narrowly drawn veterans' preference which allows a member of a police or fire department to count time served in the armed forces as part of employment time at the police or fire department.

VI

GLOSSARY OF
GENDER-RELATED LANGUAGE
IN THE IOWA CODE (1983)

The following is a list of gender-related words and recommendations for appropriate substitute words. Code sections which identify either sex in a context which applies to only that sex are not included. For example, a Code section which relates to a pregnant woman would not be listed under the word woman in the glossary. The Code sections which follow the word woman would be those where the word "person" could be appropriately substituted.

Airman - Change to "pilot," "aircraft worker" or "air person."

328.1(5) 328.37 328.38

Bondsman, Bondsmen - Change to "bonding agent."

11.21	302.44	441.52	452.15	455.131
71.2	357.17	445.58	455.33	573.27
206.14(3)(b)	420.236	448.10	455.34	633.487

Brakeman - Change to "brake operator."

730.3

Brother, Brother-in-law - Change to "sibling," or "sibling-in-law."

42.1	142A.2(2)(d)	237A.1	565A.1	912.7
53.40	144.56(4)	450.10(2)	595.19	
85.1	222.38	537.1301	726.2	

Chairman, Chairmen, Vice Chairman - Change to "chair" or "chairperson," "vice-chair" or "vice-chairperson."

2.14	13A.4	24.17	28B.4	44.13
2.42	13A.5	24.26	37.9	46.5
2.45	18.136	27A.1	43.4	46.6
2.59	18.141	28.1	43.68	46.11
2.66	18.143	28.6	43.88	46.12
2A.4	19A.2	28.9	43.91	46.13
5.3	19A.6	28.14	43.95	46.14
8B.1	20.22	28B.3	43.103	48.27
			44.2	49.104

Chairman, Chairmen, Vice Chairman - continued

50.13	135.12	249B.3	361.2	462.26
56.3	135.13	258.7	384.15	462.34
56.9	135A.5	272A.5	384.83	463.11
62.1	135E.7	272B.1	392.6	464.9
62.9	145A.10	274.40	400.4	467A.4
68B.10	147.22	280A.36	400.24	467A.6
80B.7	148C.5	303A.3	403.15	467A.17
83A.4	153.25	304.3	403A.5	467A.20
83A.5	153.33	304.5	411.5	467A.33
90.1	154A.4	304A.2	414.9	467D.11
90.6	154A.7	306.6	420.127	472.4
90.19	159.26	306.25	420.128	473A.3
96.11	176A.8	306.40	420.132	478.7
97B.22	176A.14	306.42	420.134	479.18
103A.14	179.3	307.7	420.135	479.27
103A.17	179.8	309.47	421.1	496B.12
107.10	181.13	309.50	426.6	524.205
111.70	184A.1	310.18	441.2	524.701
111B.5	184A.7	314.4	441.3	524.706
114.9	185.12	321D.1	441.5	524.708
114.10	185.26	323.12	441.9	533.9
114.17	185C.12	329.12	441.10	533.30
114.19	196A.5	330.20	441.16	569.7
114.23	202.7	330A.4	441.31	589.2
115.18	217.3	330A.5	441.38	601.1
116.3	218.4	330A.10	442.12	601.3
117.23	220.2	341A.5	455.44	601F.5
117.50	220.26	346.27	455.218	602.59
118A.4	220.27	347.11	455B.215	605.26
118A.7	230A.7	347.12	457.8	610.47
120.3	230A.8	357A.10	457.24	692.19
123.9	235A.24	358A.12	461.15	

Clergyman - Change to "member of the clergy" "minister" or "pastor."

218.26	509.1(2)(a)
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Committeeman, Committeemen - Change to "committee member."

420.130	420.131	420.136
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Craftsman - Change to "skilled Worker" or "craftsperson."

118.17(3)

Daughter - Change to "child."

31.4	96.19	144.56	450.9	504.5
42.1	142A.2	163A.11	450.10	

Drayman - Change to "dray driver."

218.58	427.1(16)			
<u>Father, Father-in-law - Change father to "parent."</u>				
42.1	144.40	232.2	252A.3	450.10
96.19	222.78	252.2	410.10	595.19
97A.6	222.81	252.3	411.6	600A.2
144.13	230.15	252A.2	450.9	726.3
<u>Female - Change to "person."</u>				
218B.2	534.11			
<u>Fireman, Firemen - Change to "firefighter."</u>				
70-Reference	400.14	410.2	411 Title	411.17
85.61	400.15	410.12	411.1	504.5
362.5	400.17	410.15	411.2	517A.1
364.16	410 Title	410.19	411.5	730.3
400.8	410.1	410.20	411.16	
<u>Fisherman, Fishermen - Change to "angler" or "fisher."</u>				
107.28	109.101	324.84	422.110	
109.64	324.17	422.16		
<u>Foreman - Change to "supervisor."</u>				
114.2	331.506	609.25		
118.17	587.9			

Fraternal, Fraternity(ies) - Change to "social," "benevolent,"
or "charitable."

96.19 504.5 512.1 512.62 514A.1
99B.7 504.6 512.3 512.70 515B.2
170A.3 507B.2 512.4 512.73 521A.1
287 Title 509.1 512.5 512.81 533A.2
287.1 510.23 512.30 512.96 562A.5
422.34 510.30 512.33 512.97 566A.1
427.1 510.33 512.42 512.99 601F.2
432.1 510.36 512.43 512.104 680.1 Ref.
432.6 510.37 512.48 512.105 714.8
502.202 511.10 512.50 512.106
504.1 512 Title 513.2

Housewife - Change to "homemaker."

96.19(18)

Husband - Change to "spouse."

42.1 422.9 557.13 597.1 598.29
56.18 422.12 558.35 597.2 600.4
123.92 422.13 561.4 597.3 600A.6
140.11 427A.5 561.5 597.4 622.4
144.13 428A.2 561.7 597.5 622.7
219.4 450.10 561.11 597.6 622.8
222.38 511.37 561.14 597.8 622.9
230.26 514A.2 561.15 597.10 633.3
232.74 537.3304 561.18 597.11 633.334
232.96 537.7103 561.19 597.13 703.3
252.14 539.4 589.17 597.14 709.4
252A.3 557.4 595.19 597.15 726.1
422.5 557.12 597 Title 597.17 726.4

Journeyman - Change to "journey person."

92.9 135.12
103A.14 135.14

Landlord - Change to "property owner."

135D.1 562A.5 562A.25 562B.10 562B.31
135D.33 562A.6 562A.26 562B.11 562B.32
321.47 562A.8 562A.27 562B.12 570 Reference
425.17 562A.9 562A.28 562B.13 570.1
425.34 562A.10 562A.29 562B.14 570.3
425.35 562A.11 562A.30 562B.15 570.4
425.36 562A.12 562A.31 562B.16 570.5
498.10 562A.13 562A.32 562B.17 570.6
499.5 562A.14 562A.33 562B.19 570.7
499.13 562A.15 562A.34 562B.20 570.9
544.7 562A.16 562A.35 562B.22 571.2
554.9104 562A.18 562A.36 562B.23 646.2
560.2 562A.19 562B Title 562B.24 646.10
562 Title 562A.20 562B.1 562B.25 646.11
562A Title 562A.21 562B.2 562B.26 648.3
562A.1 562A.22 562B.6 562B.27
562A.2 562A.23 562B.7 562B.28
562A.24 562B.9 562B.30

Male - Change to "person."

218B.2 534.11

Man, Men - Change to "person."

29A.27 109A.1 204.101(13)(b) 250.17 400.10
29A.29 155.3 204.101(c) 252A.3 448.2
35.8 171.1 205.4 261.18 601.5
35.9 172.1 206.2 261.23 613.15
70.1 190.1 206.11 261.27 725.10
88.1 198.3 206.19 263.1 808.3
97A.6 203.1 250.3 329.1
97B.2 203A.2 250.13 331.422
99B.1 203A.10 250.16 331.608

Manlift - Change to "lift."

104.1 104.2 104.9

Manpower - Change to "staffing."

88.19 147.25 148C.5 284.1 Art.I (2)

Manned - Change to "operated" or "staffed."

29A.79

Matron - Change to "jail guard."

64.11 217.14 356.5 400.8 411.1

Mother - Change to "parent."31.4 146.1 252.2 411.6 726.3
42.1 222.78 252A.2 450.9
96.19 222.81 252A.3 450.10
97A.6 230.15 410.10 600A.2Nurseryman - Change to "nursery worker."

118A.20(5)

Ombudsman - Change to "Citizens' Aide."

601G Title

Patrolman, Patrolmen, Patrolwomen - Change to "patrol officer/s" or "state trooper/s."

80.8 97A.6(8)(F) 172B.1(2)

Policeman, Policemen, Policewomen - Change to "police officer/s."70 Reference 400.8 410.1 411 Title 411.5
99A.4 400.15 410.2 411 Reference 801.4
135.1 400.17 410.15 411.1
255.2 410 Title 410.17 411.2Salesman, Salesmen - Change to "salesperson/s."96.19 117A.6 322.3 503.13 714.16
117.3 155.3 422.42 509A.12 714.18
117.29 155.21 423.1 536A.5 714.22
117.35 321.1 472.4 601A.8Servicemen - Change to "armed service personnel."53.40 53.46 511.8 599.5
53.43 96.22 523B.1Sister, Sister-in-law - Change to "sibling" or "sibling-in-law."42.1 142A.2 450.10 565A.1
53.40 144.56 504.5 726.2
85.1 237A.1 537.1301 912.7Soldier, Sailor, Marine or Nurse - Change to "armed service personnel."1A.1 37.18 244.3 331.705 633.517
19.16 37.19 248.4 400.10
37 Title 53.37 282.6 410.7
37.1 64.11 331.361 427.1(12)
37.2 123.53 331.441 427.3
37.10 218.1 331.608 427.4Son - Change to "child."31.4 96.19 144.56 450.9 600A.2
42.1 142A.2 163A.11 450.10Stepfather, Stepmother, Stepson, Stepsister, Stepdaughter, Stepbrother - Change to "stepparent," "stepchild," "sibling by marriage."

42.1 237A.1 512.56 912.7

Storageman - Change to "storage agent."

427.16

Talesman, Talesmen - Change to "substitute juror/s."

331.653 609.3 609.15 609.41 609.44
 608.2 609.4 609.17 609.42 609.45
 609.1 609.14 609.39 609.43 609.47

Thresherman - Change to "thresher."

571 Title

Warehouseman, Warehousemen - Change to "warehouse agent/s" or "warehouse worker/s."

69A.7(12) 543.2 543.16 543.35 554.7207
 172.10 543.5 543.17 543.36 554.7209
 189A.7(7) 543.6 543.18 543.39 554.7210
 204.101(2) 543.8 543.19 554.2705 554.7401
 204.302(3)(b) 543.10 543.20 554.7102 554.7403
 427.1(28) 543.11 543.23 554.7201 554.7601
 427.16(7) 543.12 543.24 554.7202
 428.18 543.13 543.27 554.7204
 428.19 543.14 543.28 554.7205
 543.1 543.15 543.34 554.7206

Watchmen - Change to "security guard."

359.38 359.39 455.181

Weighmaster - Change to "weigher" or "weigh agent."

214.6 214.7 214.8

Widow, widower - Change to "surviving spouse."

85.31 97.50 510.1 544.7(4)(c) 675.6
 85.45 327D.187 510.15 544.25(2)(e)
 96.5 503.3 511.37 595.19

Wife - Change to "spouse."

42.1 422.13 561.5 597.6 622.4
 56.18 427A.5 561.7 597.8 622.7
 97.50 428A.2 561.11 597.10 622.8
 97.51 450.10 561.14 597.11 622.9
 123.92 510.10 561.15 597.13 633.3
 219.4 511.37 561.18 597.14 633.334
 230.26 514A.2 561.19 597.15 703.3
 232.74 537.3304 589.17 597.16 709.4
 232.96 537.7103 595.19 597.17 726.1
 252.14 539.4 597.2 597.18 726.4
 252A.3 557.4 597.2 598.29
 422.5 557.12 597.3 598.31
 422.9 557.13 597.4 600.4
 422.12 561.4 597.5 600A.6

Woman, Women - Change to "person."

19.16 96.22 250.17 331.608
 35.8 97A.6 261.18 400.10
 35.19 97B.2 261.23 557.11
 70.1 250.3 261.27 558.35
 88.1 250.13 263.1 597.1
 96.19 250.16 331.422 601 Title

Workmanlike - Change to "well-constructed."

327G.66 562A.28 562B.26

Workmanship - Change to "work product."

18.48 215.12 409.14
 120.7 303.20(1)(b) 573.6

Workmen - Change to "workers."

504.5 562A.19

VII
CHRONOLOGICAL LISTING OF IDENTIFIED CODE SECTIONS
WHERE IMPACT AND FACIA DISCRIMINATION WERE
IDENTIFIED IN THE IOWA CODE (1983)

CH. 1A GREAT SEAL OF IOWA

Sec. 1A.1 Seal-device-motto. The secretary of state be, and he is, hereby authorized to procure a seal which shall be the great seal of the state of Iowa, two inches in diameter, upon which shall be engraved the following device, surrounded by the words, "The Great Seal of the State of Iowa"-a sheaf and field of standing wheat, with a sickle and other farming utensils, on the left side near the bottom; a lead furnace and pile of pig lead on the right side; the citizen soldier, with a plow in his rear, supporting the American flag and liberty cap with his right hand, and his gun with his left, in the center and near the bottom; the Mississippi river in the rear of the whole, with the steamer Iowa under way; an eagle near the upper edge, holding in his beak a scroll, with the following inscription upon it: Our liberties we prize, and our rights we will maintain.

Issue: The seal was adopted in 1847. From it, we can derive some understanding of the symbols that were important to early Iowans--liberty, farming and the lifeline Mississippi River. The seal has a male citizen soldier but does not include a pioneer woman. One viewing the seal might think that early Iowa was first comprised of soldiers rather than pioneer families.

Just as words may have a discriminatory impact and may give one a visualization, for example, that all judges are "he's" and none are "she's," so pictures can give a symbolic view of men and women and their accomplishments. In Iowa's early years, pioneer women struggled and toiled alongside pioneer men to clear and settle Iowa, plant crops, make homes and raise children. Persons of various races, nationalities and religions settled throughout the state. Many courageous women did not survive child-bearing and the harsh winters.

Recommendation: No change at this time. Changing the state seal is not a priority.

However, a larger priority brought to light by viewing the seal is the responsibility of state government to encourage its schools and other governmental units to educate our citizenry regarding the work and contributions of all Iowa settlers, including women. The addition of a women's history display in the soon to be built state historical museum is an outstanding example of how our state government can become actively involved in educating the public about the contribution of Iowa women.

CH. 4 CONSTRUCTION OF STATUTES

Sec. 4.1(3) Number and gender. Unless otherwise specifically provided by law the singular includes the plural, and the plural the singular. Words of one gender include the other genders.

Issue: The Iowa Code (1983) is replete with references to the masculine gender such as "he," "him" and "man." In most of these cases, the masculine gender is interpreted to include the feminine. The Code Editor is responsible for eliminating all references to the masculine gender which are intended to include the feminine in the Iowa Code (1985). Once the Code is desexed, the only references pertaining to one gender or another should be those where there actually is a legitimate purpose for a sex distinction such as a reference to pregnancy.

Recommendation: When the Iowa Code (1985) is desexed, it will not be necessary to state that words referring to one gender include the other gender, and this section can then be repealed.

CH. 19 EXECUTIVE COUNCIL

Sec. 19.16 Veteran's newsstand. The executive council shall, on the application of any disabled, honorably discharged soldier, sailor, marine or woman who served in the military or naval forces of the United States in the late civil war, Spanish-American war, Philippine insurrection, China relief expedition, World War I, World War II from December 7, 1941, to December 31, 1946, both dates inclusive, or the Korean conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive,

or the Vietnam Conflict at any time between August 5, 1964, and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, cause to be reserved in the state capitol a reasonable amount of space in the lobby of said state capitol to be used by such applicant rent-free as a stand for the sale of news, tobaccos, and candies and may in such application permit installation of merchandise vending machines. Should there be more than one applicant for such reserved space, the executive council shall award the same to the person in its opinion most deserving of the same. The executive council shall prescribe the regulations by which the stand shall be operated.

Issue: This section affords a disabled "soldier, sailor, marine or woman" who served in one of the branches of the armed services during specified times an absolute preference to rent-free space in state buildings for stands selling news, tobaccos, candies, and for merchandise vending machines. Since the vast majority of disabled veterans will be men, more men than women will have the opportunity to obtain rent-free newsstand space in state buildings for an unlimited period of time. The purpose of these sorts of preferences is to reintegrate former service persons back into the civilian workforce. Once reintegrated, these veterans should not receive free rent for life. Also, this statute is written in such a way as to assume that a "woman" is not a "soldier," "sailor" or "marine."

Recommendation: The rent-free status should be restricted to five years. Also, "soldier, sailor, marine or woman" should be changed to "any person serving in the armed forces." (See 331.361(4), which covers the same sort of preference afforded veterans in county buildings.)

CH. 19A STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Sec. 19A.9 Rules adopted. The merit employment commission shall adopt and may amend rules for the administration and implementation of this chapter in accordance with chapter 17A. The director shall prepare and submit proposed rules to the commission. The rules shall provide:...

(21) For veterans' preference through a provision that honorably separated veterans who served on active duty in the armed forces of the United States in any war, campaign or expedition

for which a campaign badge or service medal has been authorized by the government of the United States shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs.

Veterans who have a service-connected disability or are receiving compensation, disability benefits or pension under laws administered by the veterans administration shall have ten points added to the grade attained in qualifying examinations. A veteran who has been awarded the purple heart for disabilities incurred in action shall be considered to have a service-connected disability.

Issue: Veterans are given an absolute, lifetime, five point preference for any state merit employment system appointment or promotion for which they apply. They continue to receive a five point preference, regardless of how long they have been state employees and even when they are clearly capable of competing on an equal basis with peers for promotions.

If veterans' preference is viewed as a lifetime reward rather than as a means of veterans catching up to an employment position they might have attained if they had not deferred a civilian career for military service, then women are clearly disadvantaged. The military quota system generally provides that women can be no more than 10 percent of its population in each branch of service.

The goal of veterans' preference should be to reintegrate veterans back into the workforce and to assure that they are not in a lesser employment position due to military service. Those veterans who were drafted or enlisted for earlier wars often did so at great financial expense. Both careers and education were interrupted. Today, however, many view the military as a means to get an education and obtain job skills rather than as a deferral of education and job training opportunities. That being the case, it would appear that the extension of benefits throughout the remainder of the veteran's potential employment career is excessive, and that it unfairly disadvantages women in their attempts to compete for state employment.

In regards to disabled veterans, the definition of disabled veterans as persons who are "receiving compensation, disability benefits or pension under laws administered by the veterans administration,"

is too broad and may include those who are not actually occupationally disabled.

Recommendation: Veterans who were not disabled should receive two uses of a five point preference which must be taken within ten years following discharge.

The definition of a disabled veteran should be limited to persons who have a "service-connected disability" for which they are receiving compensation from the Veterans Administration. Disabled veterans should receive two uses of a ten point preference which may be taken at any time following discharge. (See Sec. 400.10 regarding veterans' preference for civil service jobs.)

CH. 29A MILITARY CODE

Sec. 29A.28 Leave of absence of civil employees. All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, shall when ordered by proper authority to active state or federal service, be entitled to a leave of absence from such civil employment for the period of such active state or federal service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. The proper appointing authority may make a temporary appointment to fill any vacancy created by such leave of absence.

Issue: State and local government employees who are members of the armed services are allowed to take up to a thirty day absence from their jobs for duty. During this thirty days, the employees receive full pay for their regular government jobs and full pay for their armed services jobs. Since far more men than women are in the armed services, this benefit accrues much to the advantage of men.

Recommendation: Reduce the number of days a government employee may be absent for armed services duty

Recommendation: The requirement that the five members of the state commission of veterans' affairs be honorably discharged veterans should be eliminated.

CH. 37 MEMORIAL HALLS AND MONUMENTS FOR SOLDIERS

Sec. 37.10 Qualifications--method of appointing. Each such commissioner shall be an honorably discharged soldier, sailor, or marine of the United States, selected in the following manner: Within sixty days after the election, each post of the Grand Army of the Republic, Spanish-American War Veterans, Veterans of World War I, and the American Legion, Disabled American Veterans of the World War, Veterans of Foreign Wars of the United States, Marine Corps League and American Veterans of World War II (AMVETS) in the county or city, as the case may be, shall appoint three delegates who shall, within ninety days after such election, meeting convention in the county or city, as the case may be, and by ballot select five commissioners, whose names shall be forthwith furnished to the board of supervisors, or the city council, as the case may be, whereupon said board of supervisors or city council shall by resolution appoint them as such commissioners.

Issue: The five members of each county or city veterans' commission appointed for the purposes of overseeing the building of a veterans' monument must be honorably discharged veterans. This requirement excludes family members of veterans or deceased veterans and other persons who may have a direct and personal interest in assisting veterans and the memory of veterans. Since more veterans are men, the board will most likely consist primarily of men.

Recommendation: The requirement that the five members of a county or city veterans' commission of veterans affairs be honorably discharged veterans should be eliminated.

CH. 46 NOMINATION AND ELECTION OF JUDGES

Sec. 46.21 Conduct of elections. At least fifty-five days prior to each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals and district court including district associate

with pay from thirty days to fifteen days. For the fifteen days of duty, the employee should elect to receive either armed services pay or salary pay from the government job, whichever is greater. The employee should not receive pay for both jobs.

CH. 31 STATE BANNER--DISPLAY OF FLAG

Sec. 31.4 Mother's Day. The governor of this state is hereby authorized and requested to issue annually a proclamation calling upon our state officials to display the American flag on all state and school buildings, and the people of the state to display the flag at their homes, lodges, churches, and places of business, on the second Sunday in May, known as Mother's Day, as a public expression of reverence for the homes of our state, and to urge the celebration of Mother's Day in said proclamation in such a way as we will deepen home ties, and inspire better homes and closer union between the commonwealth, its homes, and their sons and daughters.

Issue: The governor is required to issue a proclamation honoring mothers, but no similar recognition of fathers is required by law.

Recommendation: The governor should be required by law to issue a proclamation calling for a Father's Day.

CH. 35A DEPARTMENT OF VETERANS AFFAIRS

Sec. 35A.3 Commission. There is established a commission within the Iowa department of veterans affairs. This commission shall consist of five persons who shall be appointed by the governor. Each commissioner shall be an honorably discharged member of the armed forces of the United States.

Issue: The law requires that the five members of the state commission of veterans affairs must be honorably discharged veterans. Such a requirement excludes family members of veterans or deceased veterans and other persons who may have a direct and personal interest in assisting veterans. Also, since more veterans are men, the board will most likely consist primarily of men.

judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The state commissioner of elections shall rotate the names in the certificate by county, or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

STATE OF IOWA
JUDICIAL BALLOT
(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX
AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

JOHN DOE	YES	NO
RICHARD ROE	YES	NO

COURT OF APPEALS

Shall the following judges of the Court of Appeals be retained in office?

JOHN DOE	YES	NO
RICHARD ROE	YES	NO

DISTRICT COURT

Shall the following judge or associate judge of the District Court be retained in office?

JOHN SMITH	YES	NO
Shall the following clerk of the District Court be retained in office?		
JANE DOE	YES	NO

Issue: Section 46.21 contains sample ballots for the election of judges with the names "John Doe" and "Richard Roe." Failure to include a female name has a problematic impact in that it could cause a reader to think only men should be considered for judicial appointment.

Recommendation: Change "John Doe" to "Jane Doe" as has been done with the District Court ballot.

CH. 68B CONFLICTS OF INTEREST OF PUBLIC OFFICERS AND EMPLOYEES
Sec. 68B.2(12) "Immediate family member" means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the Rules adopted or executive order issued pursuant to this chapter.

Whenever the terms "legislative employee" "member of the general assembly," "employee," or "official" are used in this chapter, the term shall be interpreted to include any firm or association of which any of the above is a member of partner and any corporation of which any of the above holds ten percent or more of the stock either directly or indirectly. The use of the above terms shall also include wives and unemancipated minor children.

Issue: This section defines the term "employee," as well as other terms in chapter 68B, to include "wives and unemancipated minor children." The effect of this provision is to subject wives of states employees but not husbands of state employees to the limitations on employment, contracting, accepting of gifts, and the ability to bid on state projects as specified in chapter 68B. The Iowa Attorney General has stated in an opinion that because this section applies to wives and not husbands of state employees, it is discriminatory in violation of the equal protection clause of the Fourteenth Amendment and, therefore, may not now be enforced against spouses. Op. Atty' Gen. #81-8-3 (L) (Valde to Crane) Criminal sanctions are enumerated for violations of chapter 68B.

Recommendation: The discriminatory impact of the definition of employee to include only wives can be corrected by changing the term to spouses. Also, consideration should be given to the question of whether spouses should be subject to all of the criminal sanctions in chapter 68B.

CH. 70 VETERANS PREFERENCE LAW

Section 70.1 Appointments and promotions. In every public department and upon all public works in the state, and of the counties, cities and school corporations thereof, honorably discharged men and women from the military or naval forces of the United States in any war in which the United States was or is now engaged, including the Philippine Insurrection, China Relief Expedition, and the Korean Conflict at any time between June 25, 1950 and January 31, 1955, both dates inclusive, and the Vietnam Conflict beginning August 5, 1964, and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, who are citizens and residents of this state shall be entitled to preference in appointment, employment, and promotion over other applicants of no greater qualifications. For the purposes of this section World War II shall mean service in the armed forces of the United States between December 7, 1941, and December 31, 1946, both dates inclusive.

Issue: The committee is in agreement with and supports the widely accepted public policy that veterans of wars should receive assistance from the government in their readjustment to civilian pursuits. The committee also recognizes, however, that due to the law that allows only men to be drafted into the military and due to the severe quota restrictions on the number of women that have been allowed to volunteer for the armed forces (approximately 10%), all veterans' preference provisions accrue to the distinct advantage of men even though they are theoretically available to both sexes.

Veterans' preference intends readjustment assistance, not lifetime absolute preference. The current general statute (70.1) is not in harmony with the original intent, nor the best interests of filling public sector jobs with the most qualified.

Recommendation: Section 70.1 should be modified to provide that preference points shall be added to examination scores of qualified veterans for use no more than twice during the first ten years following discharge.

CH. 77 NOTARIES PUBLIC

Sec. 77.12 Acting under maiden name. When a female has, prior or subsequent to the adoption of the Code, been commissioned a notary public, and has, after the issuance of said commission and prior to the expiration thereof, contracted a marriage, the official acts of such notary public after said marriage and prior to the expiration of said commission shall not be deemed illegal or insufficient because, after said marriage, she performed said official acts under the name in which said commission was issued.

Issue: If a woman who is a notary public marries and changes her name, her notary seal commission with her unmarried name is still valid. No similar protection is provided for a man who is a notary public, marries and changes his name. The presumption is that married couples assume the husband's name. However, some married couples now choose to assume a hyphenated last name composed of the husband's and wife's unmarried last names.

Recommendation: The law should provide that the notary seal commission of all notaries public who marry shall be valid, even though the married names are different than the unmarried names. This protection should be codified for men and not afforded to just women as is presently the law.

CH. 80A LICENSING PRIVATE DETECTIVES

Sec. 80A.1 Definitions. The following words and phrases when used in this chapter shall for the purposes of this chapter have the meaning respectively ascribed to them, the singular to include the plural and the masculine gender to include the feminine gender:

Issue: The Iowa Code (1983) is replete with references to the masculine gender such as "he," "him" and "man." In most cases, the masculine gender is interpreted to include the feminine. The Code Editor is responsible for eliminating all references to the masculine gender which are intended to include the feminine in the Iowa Code (1985). Once the Code is desexed, the only references pertaining to one gender or another should be those where there actually is

a legitimate purpose for a sex distinction such as a reference to pregnancy.

Recommendation: When the Iowa Code (1985) is desexed it will not be necessary to state that words referring to one gender include the other gender, and this section can then be repealed.

CH. 84 OIL AND GAS WELLS

Sec. 84.2 Definitions. As used in this chapter, unless the context otherwise requires:...

(2) "Person" means and includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind, and includes any department, agency, or instrumentality of the state or of any governmental subdivision thereof; the masculine gender, in referring to a person, includes the feminine and the neuter genders.

Issue: The Iowa Code (1983) is replete with references to the masculine gender such as "he," "him" and "man." In most cases, the masculine gender is interpreted to include the feminine. The Code Editor is responsible for eliminating all references to the masculine gender which are intended to include the feminine in the Iowa Code (1985). Once the Code is desexed, the only references pertaining to one gender or another should be those where there actually is a legitimate purpose for a sex distinction such as a reference to pregnancy.

Recommendation: When the Iowa Code (1985) is desexed it will not be necessary to state that words referring to one gender include the other gender, and this section can then be repealed.

CH. 96 EMPLOYMENT SECURITY

Sec. 96.5 Causes. An individual shall be disqualified for benefits:

(1) Voluntary quitting. If he or she has left his or her work voluntarily without good cause attributable to his or her employer, if so found by the department. But he or she shall not be disqualified if the department finds that:

(f) He or she is the principal support of his or her family, or is a widow, widower, legally separated from his or her spouse, or a single person and he or she left his or her employing unit for not to exceed ten working days, or such additional time as may be allowed by his or her employer, for compelling personal reasons (if so found by the department), and prior to such leaving had informed his or her employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist he or she returned to his or her employer and offered his or her services and his or her regular or comparable work was not available, provided he or she is otherwise eligible; except that during the time he or she is away from his or her work because of the continuance of such compelling personal reasons, he or she shall not be eligible for benefits.

Issue: This section applies to all employees regardless of their marital status or whether they are the principal support of their families.

Recommendation: The first sentence should be rewritten to say "The employee left the employing unit for not to exceed..."

Sec. 96.19(18) "Customary self-employment." An employee shall be deemed to be engaged in "his or her customary self-employment", as said words are used in section 96.5, during the periods in which he or she customarily devotes the major portion of his or her working time and efforts: (a) to his or her individual enterprises and interests; or (b) to her duties as a housewife; or (c) to attending the classes and preparing his or her studies for any school or college.

Issue: This section assumes that persons of both genders may pursue individual enterprises and interests or attend classes, but only women assume homemaker responsibilities.

Recommendation: Change 96.19(18)(b) to read, to her duties as a housewife" to "to duties as a homemaker."

CH. 97 OLD-AGE AND SURVIVORS' INSURANCE SYSTEM

Sec. 97.50 Repeal of prior law--rights preserved. Chapter 97, Code 1980, as amended by the Fifty-fourth General Assembly, is hereby repealed, subject to the provisions which follow:...

(3) Any individual who was, as of June 30, 1953, a fully insured individual as defined in section 97.45, subsection 6, Code 1950, as amended, and who would be a fully insured individual at age sixty-five, on the basis of service prior to June 30, 1953 (but who is not under public employment as of such date), shall be entitled to receive, in the event of his reaching sixty-five years of age after June 30, 1953, not less than the same individual primary benefit he would have received under the provisions of section 97.13, Code 1950, as amended, had he been eligible for retirement as of that date as though chapter 97, Code 1950, as amended, had not been repealed...

(4) Any wife, widow, child, or other dependent of any fully insured individual who left employment or died prior to June 30, 1953, who would become entitled to any benefit as provided by chapter 97, Code 1950, as amended, after June 30, 1953, shall be entitled to receive benefits as provided by chapter 97, Code 1950, as amended, as though that chapter had not been repealed...

(6) In the payment of any benefits in the future, as a result of the provisions of chapter 97, Code 1950, as amended, the department shall follow the same procedure as provided by said chapter 97, as amended, as though said chapter had not been repealed, except the requirements of section 97.21, subsection 4, paragraph "a", and 97.21, subsection 5, shall not be applicable, but no primary benefit, based upon employment prior to June 30, 1953, shall be paid to any individual for any month during which he receives compensation for work in any position which would have been subject to coverage under the provisions of said chapter 97, as amended, if his earnings for such month exceed one hundred dollars, nor shall any benefit be paid to a wife or dependent of such employee for such months, except that after a retired member reaches the age of seventy-two years, the member, his wife and dependents shall be entitled to the benefits of this chapter regardless of the amount earned.

Issue: The old-age and survivors insurance system, which was the state's retirement system from January 1946 to July 1953, discriminated against men. Under the system, if a husband was a state employee and the wife was not, when the husband died, the wife received one-half of the husband's benefit. So, for example, if the husband received \$100 per month, the wife received \$50 per month. When the husband died, the wife, upon reaching age 65, was entitled to a widow's benefit

of three-fourths the husband's benefit or \$75. On the other hand, if a female state employee retired, she received a monthly benefit and her husband did not receive any monthly payments, either before or after her death. This system was replaced by IPERS which is not a discriminatory system. There are still some 600 persons receiving benefits under the old system, which actuarially will terminate in 1998.

Recommendation: No recommendation at this time since the program has been replaced by IPERS and is phasing out.

Sec. 97B.41 When used in this chapter:...

(11)(4) The masculine form of expression shall be deemed to include the feminine.

Issue: The Iowa Code (1983) is replete with references to the masculine gender such as "he," "him" and "man." In most cases, the masculine gender is interpreted to include the feminine. The Code Editor is responsible for eliminating all references to the masculine gender which are intended to include the feminine in the Iowa Code (1985). Once the Code is desexed, the only references pertaining to one gender or another should be those where there actually is a legitimate purpose for a sex distinction such as a reference to pregnancy.

Recommendation: When the Iowa Code (1985) is desexed it will not be necessary to state that words referring to one gender include the other gender, and this section can then be repealed.

CH. 107 STATE CONSERVATION COMMISSION

Sec. 107.14 Temporary appointments. The commission may appoint temporary officers for a period not to exceed six months. The commission may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. The provisions of Chapter 80B shall not apply to the temporary officers.

Issue: This standard could have a discriminatory impact upon women applicants, depending on how "physical" and "moral" requirements are defined.

Recommendation: It should be clarified by law that the physical and moral requirements must be job-related.

CH. 218 GOVERNMENT OF INSTITUTIONS

Sec. 218.91 Boys transferred from training school to reformatory. The director of the division of child and family services with the consent and approval of the director of the division of corrections of the department of social services may order the transfer of male inmates of the state training school to the men's reformatory for custodial care whenever it is determined that such action will be conducive to the welfare of the other inmates of the school from which the transfer is made. The transfer shall be effected by application in writing to the district court, or any judge thereof, of the county in which the training school is situated. Upon the granting of the order of transfer, the transfer shall take place. The county attorney of the county shall appear in support of the application. The cost of the transfer shall be paid from the funds of the training school from which the transfer is made. Subsequent to a transfer made under this section, the person transferred shall be subject to all the provisions of law and regulations of the institution to which he is transferred, and for the purposes of section 719.4 that person shall be regarded as having been committed to the institution.

Issue: This section provides for the transfer of dangerous juvenile males from the juvenile training school to the Iowa Men's Reformatory. Section 245.5 provides that juvenile women may only be transferred to the Iowa Correctional Institution for Women if they have received life sentences. The Iowa Attorney General's office has advised the Department of Human Services and the Department of Corrections that according to the Federal Juvenile Justice Delinquency Prevention Act of 1974, the placement of juveniles with no adult criminal convictions in adult correctional facilities is prohibited and the placement of juveniles convicted as adults for crime in juvenile facilities is also prohibited. The Iowa Attorney General's office believes that this section is in conflict with federal law and should be eliminated.

Recommendation: Delete Section 218.91 which allows for the transfer of dangerous juvenile males to the Iowa Men's Reformatory.

CH. 219 VETERANS HOME

Sec. 219.8 Qualifications of commandant. The commandant shall be a resident of the state of Iowa who is an honorably discharged veteran and who has served in the military or naval forces of the United States in any war, including the Korean conflict, at any time between June 27, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam conflict at any time between August 5, 1964, and August 15, 1973, both dates inclusive. For purposes of this chapter, World War II shall be any time between December 7, 1941 and December 31, 1946, both dates inclusive.

Issue: This section negatively impacts against women due to the fact that there are far fewer women than men who are veterans who have served in the military or naval forces during war. This requirement would be analogous to requiring that the director of the Blind Commission be blind or the director of the Commission on Aging be a senior citizen. Such a requirement may exclude highly qualified people from consideration.

Recommendation: Eliminate the requirement that the commandant must be an honorably discharged war veteran.

CH. 222 MENTALLY RETARDED PERSONS

Sec. 222.38 Delivery of person to school or special unit. The court may for the purpose of committing said person direct the clerk to authorize the employment of one or more assistants. No mentally retarded female shall be taken to an institution, hospital-school, or special unit by any male person not her husband, father, brother, or son without the attendance of a woman of good character and mature age.

Issue: In practice each patient is accompanied by a person of the same sex. This statute should be changed because it treats males differently than females by not similarly defining appropriate persons to accompany male patients. The reference to "good character" is unnecessary and mature age should be

changed to "legal age" if an age requirement must be specified.

Recommendation: Adopt language similar to that found in Section 227.6 (Removal of residents from a county care facility). Section 227.6 provides that, "If a resident is removed under this section, at least one attendant shall be of the same sex."

CH. 225 PSYCHIATRIC HOSPITAL

Sec. 225.18 Attendants. The court or clerk may in his or her discretion, appoint some person to accompany the committed public patient or the voluntary public patient or the committed private patient from the place where the patient may be to the state psychiatric hospital of the state University at Iowa City, or to accompany such patient from the said hospital to such place as may be designated by the court or clerk. If the patient be a female, the person appointed to accompany her must be a woman.

Issue: In practice, each patient is accompanied by a person of the same sex. This statute should be changed because it treats male patients differently than female patients by not similarly defining appropriate persons to accompany male patients.

Recommendation: Adopt language similar to that found in Section 227.6 (Removal of residents from county care facilities). Section 227.6 provides that, "If a resident is removed under this section, at least one attendant shall be of the same sex."

CH. 234 CHILD AND FAMILY SERVICES

Sec. 234.9 County board of social welfare. The board of supervisors of each county shall appoint a county board of social welfare, which shall consist of three members in counties of less than thirty-three thousand population, not more than two of whom shall belong to the same political party, and at least one of whom shall be a woman; and which shall consist of five members in counties of more than thirty-three thousand population, not more than three of whom shall belong to the same political party, and at least one of whom shall be a woman. At the discretion of the board of supervisors one or more of said members may be chosen from the membership of said board of supervisors. Annually the

board of supervisors shall appoint the members of the county board who shall serve for one year and until their successors are appointed. If a vacancy shall occur in the membership of the county board, other than by the expiration of a term, a member shall be appointed to fill such vacancy for the unexpired term. All appointments, made as herein provided, shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and with the state director.

Issue: Women represent more than 50% of the population in Iowa. By requiring that at least one member of a five-member board be a woman, the legislature probably intended to assist women in receiving representation. However, since minimums may become maximums, the perception of such a law may be that only one token woman is required on a five-member board. Despite the language in this section, women apparently do comprise half of the board members. Therefore, the requirement is not needed and may have a negative "tokenism" impact.

Recommendation: The requirement that at least one member of the county board of social welfare must be a woman should be deleted.

CH. 238 CHILD-PLACING AGENCIES

Sec. 238.44 Burden of proof. In a prosecution under the provisions of this chapter or any penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or child to himself shall have the burden of proof.

Issue: The Iowa Attorney General's office did not know what sort of prosecution violation is covered by this section and advised that this section is probably no longer applicable to the chapter and should be repealed. In its present form, relationships with women but not men are covered. Apparently, this section was applied when prosecuting a man in a paternity action.

Recommendation: Delete this section.

CH. 242 TRAINING SCHOOLS

Sec. 242.4 Instruction and employment. The state director shall cause the boys and girls in the state training school to be instructed on the Constitutions of the United States and of this state as is required in the common schools, and in such branches of useful knowledge as are adapted to their age and capacity, including the effect of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufacturing, as is best suited to their age, strength, disposition, capacity, reformation and well-being.

Issue: Webster's New Collegiate Dictionary, 1981, defined "disposition" as: "The act or the power of disposing or the state of being disposed; final arrangement; transfer to the care or possession of another; the power of such transferal; orderly arrangement; a prevailing tendency, mood, or inclination; temperamental makeup; the tendency of something to act in a certain manner under given circumstances." Since the section impacts based upon subjective interpretations, the result could be sexually discriminatory as regards interpretation of "disposition."

Recommendation: Delete the reference to "disposition."

CH. 244 IOWA JUVENILE HOME

Sec. 244.3 Admissions. Admission to the home shall be granted to resident children of the state under seventeen years of age, as follows, giving preference in the order named:

- (1) Destitute children, and orphans unable to care for themselves, of soldiers, sailors, or marines.
- (2) Neglected or dependent children committed by the juvenile court.
- (3) Other destitute children.

Issue: Soldiers, sailors and marines are predominantly men. They have assurance of preferential treatment for their children. Admission to the home should be based upon the need of the child and not the military status or lack thereof of the child's parents.

Recommendation: Delete Subsection 244.3(1).

CH. 245 WOMEN'S CORRECTIONAL FACILITIES

Sec. 245.5 Optional commitments for life. Any unmarried female over ten and under eighteen years of age convicted of an offense punishable by life imprisonment may be committed either to the state training school or to the Iowa correctional institution for women.

Issue: Juvenile women may be transferred to the Iowa Correctional Institution for Women only if they receive life sentences, whereas section 218.91 provides that juvenile boys may be transferred to an adult criminal facility if they are dangerous, regardless of whether they received life sentences. The Iowa Attorney General's office has advised the Department of Human Services and the Department of Corrections that, according to the Federal Juvenile Justice Delinquency Prevention Act of 1974, the placement of juveniles convicted of adult crimes in juvenile facilities is prohibited. The Iowa Attorney General's office believes that this section is in conflict with federal law and should be eliminated.

Recommendation: Delete section 245.5.

Sec. 245.7 Terms of commitments. A female convicted of a felony shall not be detained in the Iowa correctional institution for women under one commitment for a period longer than the maximum term of imprisonment provided by law for said felony. A female convicted of a crime and sentenced to a term of less than one year shall not be detained therein.

Issue: The law should be clarified to provide for the reduction of sentences at the women's correctional facilities, such as is granted to male prisoners in section 246.39 pertaining to the men's correctional facilities. Section 246.45 purports to make 246.39 applicable to women prisoners. In practice, both men and women do receive reductions of sentences in accordance with section 246.39.

Recommendation: The reduction of sentence provision should be included in chapter 245.

Sec. 245.8 Manner of committing females. Females committed to said reformatory shall be taken thereto by some woman, or by some peace officer accompanied by some woman, appointed by the court.

Issue: The law provides that a woman committed to the Iowa Correctional Institution for Women must be accompanied to the institution by a woman.

Recommendation: The law should guarantee that men who are committed to a penal institution must be accompanied to the institution by a man.

Sec. 245.10 Transfer of inmates - costs. The state director in cooperation with the commissioner of the department of human services and the directors of the divisions of the department of human services may transfer inmates from the Iowa correctional institution for women to the state training school, and from the state training school to the Iowa correctional institution for women, whenever such course will be conducive to the welfare of the institution or school or of the other inmates in the institution or school or of the inmates so transferred. The costs of the transfer shall be paid from the funds of the institution or school from which the transfer is made.

Issue and Recommendation: See Section 218.91.

Sec. 245.13 Employment for discharged inmate. It shall be the duty of the superintendent, so far as is practicable, to obtain for each inmate before she is paroled or discharged a home and suitable employment if they are not otherwise provided.

Issue: This privilege is not extended to male prisoners. In practice, supervisory parole officers work closely with all offenders upon release to assure that they obtain employment and locate suitable housing. This practice should be codified for male prisoners.

Recommendation: The practice of finding a suitable home and employment for discharged male prisoners, as well as female prisoners, should be codified.

CH. 246 MEN'S CORRECTIONAL FACILITIES

Sec. 246.3 Salaries--uniforms. The warden and other employees of the penitentiary, men's reformatory, medium security institution at Mount Pleasant, Luster Heights camp, Iowa security and medical facility, and Riverview Release center shall receive salaries or compensation as determined by the state director and in addition shall receive a midshift meal when on duty.

The state director shall provide each newly employed custodial staff employee uniforms required by the state director to be worn when on duty. All uniforms required to be worn by new and presently employed uniformed custodial staff employees shall be maintained and replaced at no cost to the employees. All uniforms and uniform replacements provided by the state director shall remain the property of the state director.

Issue: There is no similar provision requiring employees at the women's correctional facilities to wear uniforms. Because the Iowa Correctional Institution for Women is primarily a minimum security facility, some consideration should be given as to whether it would be appropriate to require all correctional officers at such a facility to wear uniforms. However, the opportunity and economic benefit of wearing uniforms should be provided.

Recommendation: The opportunity and economic benefit of wearing uniforms should be provided to employees at the Iowa Correctional Institution for Women. The corrections chapters should be consolidated into one chapter so that all employees working at facilities with the same security levels are afforded the same benefits.

Sec. 246.8 Punishment and records thereof. Disobedience by the convicts of the disciplinary rules of the institution shall be punished by the infliction of such penalties as are provided by law and the rules which are prescribed for the government of said institution. The warden shall keep a register of all punishments inflicted on any convict, and the cause for which they were inflicted.

Issue: No records of punishments are required for women inmates to ensure that their rights are equally protected. In practice, these procedures are followed for women residents of the Iowa Correctional Institution for Women.

Recommendation: The law should provide that records of punishment must be kept on all inmates, not just inmates at the men's penitentiary and reformatory.

Sec. 246.17 Discharge of mentally ill. When the state director has reason to believe that a prisoner in the penitentiary or reformatory, whose sentence has expired, is mentally ill, it shall cause examination to be made of the prisoner by competent physicians who shall certify to the state director whether the prisoner is in good mental health or mentally ill. The state director may make further investigation and if satisfied that the prisoner is mentally ill, the state director may cause the prisoner to be transferred to one of the hospitals for the mentally ill, or may order the prisoner to be confined in the Iowa security and medical facility.

Issue: Under the law, female inmates who are mentally ill may be released when their term expires. Thus, the law does not guarantee further treatment for the mentally ill female ex-inmate as is guaranteed to mentally ill male ex-offenders.

Recommendation: Guarantee by law that female ex-inmates who are mentally ill may receive further treatment.

Sec. 246.31 Hard labor and solitary imprisonment. All commitments to either of said institutions must be at hard labor. Solitary imprisonment of prisoners shall not be employed except for the purpose of discipline.

Issue: This section imposes "hard labor" on male inmates with no similar provision specified for women. Protection from solitary confinement without just cause is not accorded to women inmates. However, in practice, the term "hard labor" is antiquated. Inmates, "hard labor" may be a prison industry job or an educational program. No inmate is required to perform physical labor as a means of discipline. Discipline usually consists of detention or solitary

confinement. Women are placed in solitary confinement only as a disciplinary measure.

Recommendation: The reference to "hard labor" should be eliminated from the Code. Solitary confinement should be specified as a form of discipline for all inmates.

Sec. 246.32 Enforcing obedience to orders. Any officer of said institutions and his assistants shall, in case a prisoner resists his lawful authority, or refuses to obey his lawful command, enforce immediate obedience by the use of such weapons or other aids as may be effectual, and if, in so doing, such convict is wounded or killed, such officer and his assistants shall be justified.

Issue: This requirement of obedience and the consequences of disobedience are not imposed by law on women inmates.

Recommendation: Provide by law that the officers at all criminal facilities have the same authority to enforce the law as do the officers at the men's penitentiary and reformatory.

Sec. 246.36 Classification of prisoners. The wardens shall, so far as practicable, prevent prisoners under eighteen years of age from associating with other prisoners.

Issue: This statutory protection is not extended to female prisoners who are at adult correctional facilities. This language is actually outmoded and should be changed for all institutions to reflect current practice. The corrections classification system stresses the separation of inmates with different custodial needs, based on an evaluation of a number of factors. Age is no longer considered the single determining factor as to where an individual should be placed.

Recommendation: Delete this section from the Iowa Code.

Sec. 246.37 Property of convict. The warden shall receive and care for any property any convict may have on his person upon entering, and, if convenient, place the same, if money, at

interest for the owner's use, keeping an account thereof, and on the discharge of the convict, return, and if money, repay the same with the interest so earned, to him or his legal representatives, unless in the meantime it has been previously disposed of according to law.

Issue: The property of female inmates is not protected by law. In practice, female inmates' property is protected, but this protection should be codified.

Recommendation: The property of female inmates should be protected by law.

Sec. 246.38 Time to be served--credit. No inmate shall be discharged from the penitentiary, the men's reformatory, or the Iowa correctional institution for women, until the inmate has served the full term for which the inmate was sentenced, less good time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Any provisions to the contrary notwithstanding, good time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 204.406, 204.413, 902.7, 902.8 or 906.5. The inmate shall be deemed to be serving the inmate's sentence from the day on which the inmate is received into the institution, but not while in solitary confinement for violation of the rules of the institution. However, if an inmate had been confined to a county jail or other correctional or mental institution at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for such days already served in jail upon the term of the sentence. The clerk of the district court of the county from which the inmate was sentenced, shall certify to the warden the number of days so served.

Issue: Sections 246.38, 246.39, 246.41, 246.42 and 246.43 are made applicable to female inmates in Section 246.45. Section 246.45 is contained in the Code under the chapter entitled "Men's Correctional Facilities." Thus, proper notice is not afforded to women inmates of their rights or responsibilities under these sections of the Code.

Recommendation: Ideally, all of the chapters regarding correctional facilities should be consolidated into

one chapter. If consolidation does not occur, these sections should be placed in Chapter 245 regarding "Women's Correctional Facilities," as well as Chapter 246.

(Sec. 246.38, 246.39, 246.41, 246.42, 246.43, and 246.45, Code 1983, are repealed except they remain in effect for persons sentenced for offenses committed prior to July 1, 1983. Acts of the 70th General Assembly, 1983 session, Senate File 302, sec. 13.)

Sec. 246.39 Reduction of sentence. Each inmate who has no infraction of the rules of discipline of the penitentiary, the men's reformatory, or the Iowa correctional institution for women, or laws of the state, recorded against the inmate, and who performs in a faithful manner the duties assigned to the inmate, is entitled to a reduction of sentence as follows, and if the sentence be for less than a year, then the pro rata part thereof:

Issue and Recommendation: See Section 246.38.

Sec. 246.40 Records of prisoners. The state director shall cause to be kept at each of the institutions the following permanent records:

- (1) A record of each infraction, by a prisoner, of the published rules of discipline.
- (2) Such other records for the use of the board of parole as they may request.

Issue: The law does not require records to be kept about female prisoners as is required for male prisoners.

Recommendation: Specify by law that the Department of Corrections must keep records on female prisoners.

Sec. 246.41 Forfeiture of reduction. A prisoner who violates any of such rules shall forfeit the reduction of sentence earned by him, as follows:

- (1) For the first violation, two days.
- (2) For the second violation, four days.
- (3) For the third violation, eight days.
- (4) For the fourth violation, sixteen days and, in addition, whatever number of days more than one that he is in punishment.
- (5) For the fifth and each subsequent violation, or for an escape, or attempt to escape, the warden shall have the power, with the approval of the state director, to deprive the prisoner

of any portion or all of the good time that the convict may have earned.

Issue and Recommendation: See Section 246.38.

Sec. 246.42 Separate Sentences. When a convict is committed under several convictions with separate sentences, they shall be construed as one continuous sentence in the granting or forfeiting of good time.

Issue and Recommendation: See Section 246.38.

Sec. 246.43 Special reduction. Any prisoner in either of said institutions who may be employed in any service outside the walls of the institution, or who may be listed as a trusty, may, with the approval of the state director, be granted a special reduction of sentence, in addition to the reduction heretofore authorized, at the rate of ten days for each month so served.

Any provisions to the contrary notwithstanding, a person serving a mandatory minimum sentence pursuant to section 204.406, 204.413, 902.7, 902.8, or 906.5 shall be eligible for a special reduction of the minimum sentence under this section.

Issue and Recommendation: See Section 246.38.

Sec. 246.47 Patients for medical research. The state director may send to the hospital of the medical college of the state university inmates of the Iowa state penitentiary and men's reformatory for medical research at the hospital. Before any inmate is sent to the medical college, he must volunteer his services in writing. Any inmate may withdraw his consent at any time.

Issue: Only male inmates at the Iowa State Penitentiary and the men's reformatory have the opportunity to volunteer for medical research. This statutory privilege is not afforded women inmates. However, the Department of Corrections Health Care Manual prohibits all inmates from volunteering for medical or pharmaceutical research.

Recommendation: The law should be changed so that any inmate medical research policy utilized is the same for all inmates.

Sec. 246.48 Special treatment unit for corrections inmates.

(1) The medium security correctional facility at Mount Pleasant shall be utilized as a secure facility for treatment of inmates of adult correctional institutions who exhibit treatable personality disorders, with or without accompanying history of drug or alcohol abuse. Such inmates may apply for and upon their application may be selected for treatment by the staff of the treatment facility at Mount Pleasant in accordance with section 217A.20.

(2) The director shall coordinate with the division of mental health of the department of human services and the state psychiatric hospital at Iowa City in the creation, staffing and operation of a research and treatment program directed at the class of disorders described in subsection 1, which program shall be operated at the medium security correctional facility at Mount Pleasant.

(3) The final decision regarding admission and discharge of patients of the treatment facility operated under this section shall rest with the director. Upon discharge, the patients of the treatment facility shall be transferred or placed as determined by the director.

Issue: Female inmates with treatable personality disorders are not statutorily afforded the special treatment accorded to male inmates with treatable personality disorders. In practice, female inmates with treatable personality disorders receive treatment at the Iowa Correctional Institution for Women through contractual in-patient or out-patient services, or at the female unit of the Iowa Security and Medical Facility.

Recommendation: Female inmates with treatable personality disorders should be guaranteed by statute the same special treatment afforded male prisoners with personality disorders.

Sec. 246.49 Men's medium security correctional facility at Rockwell City. The state correctional facility at Rockwell City shall be utilized as a medium security correctional facility for men and shall be operated by the director in accordance with the applicable provisions of this chapter.

Issue: The law does not provide for a medium security facility for women as it does for men. The Iowa Correctional Institution for Women (ICIW) is considered to be a minimum security facility, although the security level of the facility is not statutorily defined.

One building on the ICIW grounds has been transformed into a medium security building. Because there are only approximately 100 inmates at ICIW at any one time and another ten female inmates at the women's maximum security unit at the Iowa Security and Medical facility, there is no need for a separate medium security facility provided that the medium security building at ICIW is completed. Minimum security female inmates have the same right to be segregated from medium security inmates as do male inmates.

Recommendation: Some mention of the medium security building at ICIW should be made by statute both to ensure its existence and to ensure that women in the medium security building are afforded the same programs and guarantees as male prisoners in medium security facilities.

CH. 246A CORRECTIONAL RELEASE CENTER

Sec. 246A.1 Established by department of Corrections. The Iowa department of corrections may establish a facility for the preparation of all inmates of the corrective institutions under the department's jurisdiction, for discharge or parole. The facility shall be known as the correctional release center and shall be operated in conjunction with and utilize the facilities of the prison honor farm at Newton, Iowa.

Issue: This law purports to provide a facility to prepare all inmates for discharge or parole, yet at the present time this facility is used only for male inmates. In 1977-1978, this facility was utilized for both male and female inmates. Today, an "honor cottage" at the Iowa Correctional Institution for Women (ICIW) houses exemplary inmates, including some who will soon be released. Legally, female inmates may be transferred to the Newton facility.

Recommendation: No recommendation is made to again send women to the Newton Correctional Release Center. However, the Code should be changed to guarantee that services and programs similar to those provided at the Newton facility shall also be provided at the Iowa Correctional Institute for Women.

CH. 248 PARDONS, COMMUTATIONS, REMISSION OF FINES AND FORFEITURES, AND RESTORATION TO CITIZENSHIP

Sec. 248.4 Soldiers, sailors, and marines. Said board shall also recommend to the governor the pardon of a paroled prisoner who, during parole, and during any war, entered the military, naval, or nursing service of the United States or of any of the countries with which the United States may have been allied or associated in such war, and who has been honorably discharged from such service or who has died in such service.

Issue: This veterans' preference was originally adopted in 1919, as an aftermath to World War I. For many years both prior to and after 1919, persons desiring pardons filed applications with the governor's office. Before deciding whether to pardon a person, the governor must, according to Iowa Code Section 248.6 (1983) "have presented the matter to, and obtained the advice of, the board of parole." The board may recommend for or against a pardon and the governor may or may not agree with the board's recommendation.

When considering a pardon application, Iowa governors have considered the contributions achieved by the applicants, including community service, special achievements and military service. Thus a separate section urging the governor to consider military service is not necessary.

It is unclear whether the word "recommend" in Section 248.7, means that the board must favorably recommend or just recommend one way or the other. Either way, this section is unnecessary because a vessel through which favorable information may be received by the governor is afforded through Section 248.6.

Further, if Section 248.4 is interpreted to mean that the board of parole must favorably recommend a paroled individual who joined the military and was honorably discharged or died, such a situation allows for a preference to men because far fewer women are allowed to enlist. Finally, this section is considered to be archaic and has not been utilized for many years.

Recommendation: It is recommended that this provision be struck from the Code: firstly, because the section is unclear; secondly, because the governor can consider special contributions such as military service when

reviewing pardon applications according to other existing statutes; and thirdly, because to single out military service for special consideration has a disparate impact upon women.

CH. 250 COMMISSION OF VETERAN AFFAIRS

Sec. 250.3 County commission of veteran affairs. The county commission of veteran affairs shall consist of three persons, all of whom shall be honorably discharged men or women of the United States who served in the military or naval forces of the United States in any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at anytime between August 5, 1964, and May 7, 1975, both dates inclusive. If possible, each member of the commission shall be a veteran of a different war or conflict, so as to divide membership among the men and women who served in World War I, World War II, the Korean Conflict and Vietnam Conflict, however, this qualification shall not preclude membership to a veteran who served in more than one of the wars or conflicts.

Issue: Each county has a county commission of veterans affairs whose primary responsibility is to review applications for financial assistance from indigent veterans living in the county and make recommendations regarding these requests to the county board of supervisors. One may question whether preferential financial assistance should be given to veterans, primarily men, in this or any manner. However, it is recognized that those who were drafted or enlisted for earlier wars often served at great financial expense. Also, career and educational opportunities were interrupted. The historical concept of providing special help to veterans was an effort to provide financial remuneration, as well as recognition, for veterans, presumably because their time in service constituted a career and financial sacrifice. As military pay and benefits increase, the need to provide additional special financial benefits to veterans as financial remuneration or as an incentive to serve is diminishing. More people are now seeking military service and view it as a positive career move rather than a career sacrifice.

Recommendation: The requirement that all three members of the county commission of veterans affairs be veterans should be eliminated. Such a requirement excludes family members of veterans or deceased veterans and other persons who may have a direct and personal interest in assisting veterans. The requirement also excludes persons who, though not veterans, have considerable knowledge of the human services and assistance programs available in their counties.

Due to the wide variance in the types of veterans served and the variance in financial sacrifices incurred, it is recommended that each county review the special sorts of services provided veterans to ensure that the financial benefits given are consistent with the original purposes of veterans' preferences.

CH. 258 VOCATIONAL EDUCATION

Sec. 258.7 Vocational education advisory council....The advisory council shall have as a majority of its members persons who are not educators or administrators in the field of education and shall include as members persons who:...

(17) Are women with backgrounds and experiences in employment and training programs, and who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment and of sex stereotyping in vocational education, including women who are members of minority groups and who have, in addition to such backgrounds and experiences, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups.

Issue: This section sets out the characteristics of persons who are to be appointed as members of the vocational education advisory council. Subsection 17 is the only subsection specifying that a certain sex must be appointed with certain qualifications. While the intent of the language probably was to encourage the appointment of women, the specification itself might create the perception that the other nineteen characteristics relate only to men. Further, subsection 17 does discriminate against men who hold similar qualifications.

Recommendation: Delete the requirement in 258.7(17) that the appointee be a woman.

CH. 282 SCHOOL ATTENDANCE AND TUITION

Sec. 282.6 Tuition. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to resident honorably discharged soldiers, sailors, and marines, as many months after becoming twenty-one years of age as they have spent in the military or naval service of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by such person.

This section shall not apply to tuition authorized by chapter 280A.

Issue: This section does accomplish one of the legitimate purposes of veterans' preference, which is to reintegrate veterans back into society and to help them achieve an education which may have been deferred for service. The problem with this section is that the definition of "soldiers, sailors and marines" should be changed to "persons entering military service" so that it is clear that "persons" entering military service such as nurses, medics and in other non-combat positions may receive the same benefits. Practically speaking, this section benefits men because, for example, the U.S. Army requires women entering the army to have a high school diploma, while men entering the army, regardless of the position assigned, need not have a high school diploma so long as they score well on the entrance test.

Recommendation: Change "soldiers, sailors and marines" to "persons who served in the armed forces of the United States."

CH. 321 MOTOR VEHICLES AND LAW OF ROAD

Sec. 321.105 (unnumbered paragraph 5)
 Seriously disabled veterans who have been provided with an automobile or other vehicle by the United States government under the provisions of sections 1901 to 1903, Title 38 of the United States Code, [38 U.S.C. §1901 et seq. (1970)] shall be exempt

from payment of any automobile registration fee provided in this chapter, and shall be provided, without fee, with a registration plate. The disabled veteran, to be able to claim the above benefit, must be a resident of the state of Iowa and must produce a certificate of title to the automobile owned and registered in this state in the name of said veteran.

Issue: This section provides that some seriously disabled veterans are exempt from motor vehicle registration fees. Since the number of women in military service is generally limited to under 10% of the entire military quota, and, percentage-wise, fewer women than men are disabled while in service, this section is likely to have a disparate impact that favors males. However, no recommendation is made to eliminate this benefit. Unlike some veterans' preferences which are given for life regardless of need, this preference benefits veterans who are handicapped and incur far greater expenses due to disability. Rather than eliminating this preference, the state should consider whether other groups of disabled persons should receive the same benefits.

Recommendation: No change at this time.

CH. 331 COUNTY HOME RULE IMPLEMENTATION

Sec. 331.361 County property...

(4) On the application of a honorably discharged soldier, sailor, marine, or nurse of the army or navy of the United States who was disabled in the Philippine Insurrection, China relief expedition, World War I, World War II, from December 7, 1941, to December 31, 1946, both dates inclusive, Korean Conflict, from June 25, 1950, to January 31, 1955, both dates inclusive, or Vietnam Conflict, from August 5, 1964 to June 30, 1973, both dates inclusive, the board shall reserve in the county courthouse a reasonable amount of space in the lobby to be used by the applicant rent-free as a stand for the sale of newspapers, tobacco and candies. If there is more than one applicant for reserved space, the board shall award the space at its discretion. The board shall prescribe the regulations by which the stand shall be operated.

Issue: This section gives disabled soldiers, sailors, marines and nurses an absolute preference

right to space in county buildings for news, candy and tobacco stands. Since the vast majority of disabled veterans will be men, this section has a disparate impact against women. Further, this section provides that qualified applicants may receive space rent-free for an unlimited period of time. The purpose of these sorts of preferences is to reintegrate former service persons into the civilian work force. Once reintegrated, such persons should not receive free lifetime benefits.

Recommendation: The rent-free status should be restricted to five years. (See Sec. 19.16 which covers the same sort of preference afforded veterans in state buildings.) Also, the words "soldier, marine or nurse" should be changed to "person who served in the armed forces of the United States."

Sec. 331.441(2)(c) "General county purpose" means any of the following:

(1) A memorial building or monument to commemorate the service rendered by soldiers, sailors, and marines of the United States, including the acquisition of ground and the purchase, erection, construction, reconstruction, and equipment of the building or monument subject to the levy limit in section 331.421, subsection 1, and to be managed by a commission as provided in chapter 37....

Issue: A county may contract indebtedness and issue general obligation bonds to provide funds for a veterans' memorial building or monument. This definition of "general county purpose" should be broadened to allow the county to issue general county purpose bonds for any historical memorials and monuments desired by citizens of a county. For example, the electorate of a county may desire a memorial recognizing native Americans, pioneer women or a well-known county person. In each county, an election must be held before such an obligation is incurred, or if the cost is below a specified amount (from \$50,000 to \$150,000 depending on the population of the county) the county board of supervisors may commit the county to the cost of such a memorial or monument (subject to a petition requesting an election).

Recommendation: The definition of "general county purpose" should be broadened in the Iowa Code to allow counties to issue general county purpose bonds for any historical memorials and monuments desired by citizens of a county.

Sec. 331.702 General duties. The clerk shall:

(45) Certify to the warden of the penitentiary or men's reformatory the number of days that an inmate has been credited toward completion of the inmate's sentence as provided in section 246.38.

Issue: This section only applies to male inmates.

Recommendation: Change the language so that the same records are required by law to be kept on all inmates.

Sec. 331.756 Duties of the county attorney. The county attorney shall:...

(41) Appear in support of a petition to transfer an inmate of the training school for boys to the men's reformatory for custodial care as provided in section 218.91.

Issue and Recommendation: See Section 218.91.

CH. 356 JAILS

Sec. 356.4 Females. All jails shall be equipped with a separate apartment for females, who shall be detained only in such apartments, and males and females shall not at the same time be allowed in the same apartment.

Issue: The language of this section has a tone that suggests different treatment of women prisoners.

Recommendation: The section could be amended to say that, "All jails shall be equipped with separate apartments for persons of each sex which shall at all times house only one sex or the other."

Sec. 356.5 Keeper's duty. The keeper of each jail shall:...

(6) Keep a matron on the jail premises at all times during the incarceration of one or more female prisoners; keep either a jailer or matron on the premises at all times during the incarceration of one or more male prisoners.

Issue: This language suggests that matrons (women) can be in either male or female premises but that jailers (men) can be only in male premises.

Recommendation: Guarantee a prisoner at least one guard of the same sex.

CH. 400 CIVIL SERVICE

Sec. 400.10 Preferences. In all examinations and appointments under the provisions of this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, honorably discharged men and women from the military or naval forces of the United States in any war in which the United States was or is now engaged, including the Philippine Insurrection, China Relief Expedition and the Korean Conflict at any time between June 25, 1950 and January 31, 1955, both dates inclusive, and the Vietnam Conflict beginning August 5, 1964, and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, and who are citizens and residents of this state, shall be given preference, if otherwise qualified.

For the purposes of this section World War II shall be from December 7, 1941, to December 31, 1946, both dates inclusive.

Issue: Under the present civil service system, when a non-veteran and a veteran, who are otherwise equally qualified, both apply for the same job, the veteran must be offered the job first. In practice, the veteran will always be hired due to veterans' preference. Since the military has a quota system which generally provides that less than ten percent of the military population in each branch of service may be women, the civil service preference clearly gives men a greater opportunity than women to obtain local government jobs.

The original goal of veterans' preference was to reintegrate veterans into the work force and assure that veterans are not in a lesser employment position due to military service. Those veterans who were drafted or enlisted for earlier wars often did so at great financial expense. Both careers and educations were interrupted. Today, however, many view the military as a means to get an education and obtain job skills rather than as a deferral of education and job training

opportunities. That being the case, it would appear that the extension of benefits throughout the remainder of the veteran's potential employment career is excessive, and that it unfairly disadvantages women in their attempts to compete for civil employment.

Recommendation: Section 400.10 relating to civil service jobs should be identical to Section 19A.9 (21) relating to state merit employment jobs for consistency in application of veterans' preference for public employment in Iowa. The changes should be as follows: veterans who were not disabled should receive two uses of a five point preference which must be used within ten years following discharge. The definition of a disabled veteran should be limited to persons who have a service-connected disability for which they are receiving compensation from the Veterans Administration. Disabled veterans should receive two uses of a ten point preference which may be taken at any time.

Sec. 400.12 Seniority. For the purpose of determining the seniority rights of civil service employees, seniority shall be computed, beginning with the date of appointment to or employment in any positions for which they were certified or otherwise qualified and established as provided in this chapter, but shall not include any period of time exceeding sixty days in any one year during which they were absent from the service except for disability.

In the event that a civil service employee has more than one classification or grade, the length of his seniority rights shall date in the respective classifications or grades from and after the time he was appointed to or began his employment in each classification or grade. In the event that an employee has been promoted from one classification or grade to another, his civil service seniority rights shall be continuous in any department grade or classification that he formerly held.

A list of all civil service employees shall be prepared and posted in the city hall by the civil service commission on or before July 1 of each year, indicating the civil service standing of each employee as to his seniority.

Issue: This section could have a discriminatory result if one sex characteristically has the least amount of seniority, and therefore, would always be removed first.

Recommendation: Provide by law that protected class persons, as defined in Chapter 601A, the Iowa Civil Rights Act, occupying positions in the classifications or grades affected shall be exempt from reduction where it can be shown that persons in their protected class are underutilized or underrepresented in the classification to be affected by the layoff when compared in their numbers in the relevant available work force.

Sec. 400.28 Employees--number diminished. Whenever the public interest may require a diminution of employees in any classification or grade under civil service, the city council, by resolution and acting in good faith, and after notifying the commission of such action, may either:

- (1) Abolish the office and remove the employee from his classification or grade thereunder, or
 - (2) Reduce the number of employees in any classification or grade by suspending the necessary number.
- In case it thus becomes necessary to so remove or suspend any such employees, the persons so removed or suspended shall be those having seniority of the shortest duration in the classifications or grades affected, and such seniority shall be computed as provided in section 400.12.

Issue: More women would probably be removed or suspended since they are less likely to have seniority.

Recommendation: Provide by law that protected class persons, as defined in Chapter 601A, the Iowa Civil Rights Act, occupying positions in the classifications or grades affected shall be exempt from reduction where it can be shown that persons in their protected class are underutilized or underrepresented in the classification or grades to be affected when compared to their numbers in the relevant available work force.

CH. 410 DISABLED AND RETIRED FIREMEN AND POLICEMEN

Sec. 410.7 Soldiers and sailors. Any member of the fire or police department, who resigned or obtained leave of absence therefrom to serve in the United States air force or air force reserve, army, navy or marine reserve, or marine corps, of the United States, or as a member of the United States army and navy

reserve, the Spanish-American War, in the World War 1917-1918, or in the World War II from December 7, 1941, to December 31, 1946, both dates inclusive, or in the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or in the Vietnam Conflict at any time between August 5, 1964, and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, and has returned with an honorable discharge from such service, to the fire or police department, shall have the period of such service included as part of his period of service in the department.

Issue: This section provides that members of police or fire departments who joined the armed forces during specified war times and then subsequently returned to their jobs may count their time in military service towards the time worked in the police or fire departments for purposes of retirement benefits. This preference helps some veterans and not others, depending upon whether the veterans were or were not members of police or fire departments. Also, this preference has a disparate impact against women since far fewer women are either veterans or members of police or fire departments.

Recommendation: Eliminate this narrowly drawn veterans' preference.

CH. 411 RETIREMENT SYSTEMS FOR POLICEMEN AND FIREMEN

Sec. 411.1 Definitions controlling. The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

- (5) "He", "his", and all other terms in the masculine gender shall be considered to include the feminine gender.

Issue: Section 411.1(5) could be dropped if the Code is desexed. Refer to the glossary for suggested changes for words such as "fireman" and "policeman."

Recommendation: No change at this time.

Sec. 411.9 Military service exceptions. Any member who is absent while serving in the armed services of the United States or its allies and is discharged or separated therefrom under honorable conditions shall have any such period or periods of absence while serving in such armed services on other than a voluntary basis and one such period of absence, not in excess of four years, while serving in such armed forces on a voluntary basis included as part of his period of service in the department. Such member shall not be required to continue the contributions required of him under section 411.8 during such period of military service, provided that he shall, within six months after he has been discharged or separated under honorable conditions from such military service, return and resume his duties in the department, and provided further, that such member shall be declared physically capable of resuming such duties upon examination by the medical board.

Issue: This section allows voluntary service in the armed forces, up to four years, to be included as part of the period of service in either the police or fire department. This applies equally to men and women since both can volunteer. However, it is also provided in this section that all nonvoluntary service in the armed forces be included as part of the period of service in either a police or fire department. Since only men can be drafted, the result of the section would be to give men the opportunity to receive credit for more years served if a male was drafted and served his draft time and then served voluntarily for four more years. 50 USCS Appx. 454 states that the President may draft any person required to register. 50 USCS Appx. 454(b) provides that a man who is drafted shall serve on active duty for no more than 24 months.

Recommendation: Eliminate this narrowly drawn preference.

CH. 427 PROPERTY EXEMPT AND TAXABLE

Sec. 427.1 Exemptions. The following classes of property shall not be taxed:...

Sec. 427.1(6) Property of associations of war veterans. The property of any organization composed wholly of veterans of any war, when such property is devoted entirely to its own use and not held for pecuniary profit...

Issue: Since the vast majority of veterans of any war are men, exempting from taxation, the property of veterans' organizations will give preferential treatment to organizations which will most likely be exclusively composed of men.

Recommendation: No change at this time. The larger question of which types of properties should receive tax exemptions should be reviewed.

Sec. 427.1(12) Homes for soldiers. The buildings, grounds, furniture, and household equipment of homes owned and operated by organizations of soldiers, sailors, or marines of any of the wars of the United States when used for a home for disabled soldiers, sailors, or marines and not operated for pecuniary profit...

Issue: Soldiers, Sailors and marines are usually men. Exempting from taxation homes operated by organizations composed of men for their members and spouses gives preferential treatment to those organizations composed almost exclusively of men.

Recommendation: No change at this time. The larger question of which types of properties should receive tax exemptions should be reviewed.

Sec. 427.1(16) Farm equipment--drays--tools. The farming utensils of any person who makes his livelihood by farming, the team, wagon, and harness of the teamster or drayman who makes his living by their use in hauling for others, and the tools of any mechanic, not in any case to exceed one thousand one hundred eleven dollars in taxable value...

Issue: Those who make their living by farming, as a teamster, or as a mechanic are generally men, and exempting certain property owned by those persons is likely to have a discriminatory impact on women. There is no corresponding exemption for any other profession. The 1980 Iowa census figures showed that 8.8 percent of farm operators and owners are women.

Recommendation: No change at this time.

Sec. 427.1(27) Tax provisions for armed forces. If any person enters any branch of the armed service of the United States in

time of national emergency, all personal property used in making his livelihood, in excess of three hundred dollars in value, of such person shall be assessed but no tax shall be due if such person upon return from service, or in the event of his death if his executor, administrator or next of kin, executes an affidavit to the county assessor that such property was not used in any manner during his absence, the tax as assessed thereon shall be waived and no payment shall be required.

Issue: Since more men can serve in the military than women, the economic benefit specified will be enjoyed by more men than women.

Recommendation: No change at this time.

Sec. 427.3 Military service--exemptions. The following exemptions from taxation shall be allowed:

(1) The property, not to exceed eleven thousand one hundred eleven dollars in taxable value, and poll tax of any honorably discharged union soldier, sailor, or marine of the Mexican war or the war of the rebellion.

(2) The property, not to exceed six thousand six hundred sixty-seven dollars in taxable value, and poll tax of any honorably discharged soldier, sailor, marine or nurse of the war with Spain, Tyler Rangers, Colorado volunteers in the war of the rebellion, 1861 to 1865, Indian Wars, Chinese relief expedition or the Philippine insurrection.

(3) The property, not to exceed two thousand seven hundred seventy-eight dollars in taxable value of any honorably discharged soldier, sailor, marine, or nurse of the first World War.

(4) The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value of any honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged soldier, sailor, marine, or nurse of the second World War from December 7, 1941, to December 31, 1946, army of occupation in Germany from November 12, 1918, to July 11, 1923, American expeditionary forces in Siberia from November 12, 1918, to April 30, 1920, second Nicaraguan campaign with the navy or marines in Nicaragua or on combatant ships in 1926-1933, second Haitian suppressions of insurrections 1919-1920, navy and marine operations in China 1937-1939 and Yangtze service with navy and marines in Shanghai or in the Yangtze Valley 1926-1927 and 1930-1932 or of the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or those who served on active duty during the Vietnam Conflict beginning December 22,

1961, and ending May 7, 1975, both dates inclusive. For the purposes of this section, "active duty" means full-time duty in the armed forces of the United States, excluding active duty for training purposes only and excluding any period a person was assigned by the armed forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, as a cadet or midshipman, however enrolled, at one of the service academies.

(5) The provisions of this section shall apply to personal property held in partnership but not in excess of the value of the veteran's share actually held. Wherever the word "soldier" shall appear in this chapter, it shall be construed to include, without limitation, the members of the United States air force.

Issue: This section provides for the veterans' exemption from property tax. Since the vast majority of veterans of these wars are men, the impact is to give men preferential treatment. Under Sections 427.4 and 427.5, the exemption is available to the spouse, parents or children of the veteran only if not claimed by the veteran. Property tax exemptions, in general, should be reviewed.

Recommendation: No change at this time.

CH. 441 ASSESSMENT AND VALUATION OF PROPERTY

Sec. 441.6 Appointment of assessor. When a vacancy occurs in the office of city or county assessor, the examining board shall, within seven days of the occurrence of the vacancy, request the director of revenue to forward a register containing the names of all individuals eligible for appointment as assessor. The examining board may, at its own expense, conduct a further examination either written or oral, of any person whose name appears on the register, and shall make written report of the examination and submit the report together with the names of those individuals certified by the director of revenue to the conference board within fifteen days after the receipt of the register from the director of revenue.

Upon receipt of the report of the examining board, the chairperson of the conference board shall by written notice call a meeting of the conference board to appoint an assessor. The meeting shall be held not later than seven days after the receipt of the report of the examining board by the conference board. The physical condition, general reputation of the applicants, and

their fitness for the position as determined by the examining board shall be taken into consideration in making the appointment. At the meeting, the conference board shall appoint an assessor from the register of eligible candidates. However, if a special examination has not been conducted previously for the same vacancy, the conference board may request the director of revenue to hold a special examination pursuant to section 441.7. The chairperson of the conference board shall give written notice to the director of revenue of the appointment and its effective date within ten days of the decision of the board.

Issue: Since the section does not specify any standards of "physical condition" necessary to meet the job requirements, a subjective standard could exclude women and particularly pregnant women.

Similarly, no standards for "general reputation" are included and a sexually discriminatory interpretation could be applied.

Recommendation: Delete the reference to physical condition and general reputation.

CH. 448 TAX DEED

Sec. 448.12 Limitation of actions. No action for the recovery of real estate sold for the nonpayment of taxes shall be brought after five years from the execution and recording of the treasurer's deed, unless the owner is, at the time of the sale, a minor, mentally ill person, or convict in the penitentiary, in which case such action must be brought within five years after such disability is removed.

Issue: Since there are no women convicts in the state penitentiary, and there is no penal institution for women called a penitentiary, the language of the section appears to extend the statute of limitations against former male inmates, but not former female inmates.

Recommendation: Extend the statute of limitations to all inmates.

CH. 450 INHERITANCE TAX

Sec. 450.3 Property included. The tax hereby imposed shall be collected upon the net market value and shall go into the general fund of the state to be determined as herein provided, of any property passing:...

(5) Property which is held in joint tenancy by the decedent and any other person or persons or any deposit in banks, or other institution in their joint names and payable to either or to the survivor, except such part as may be proven to have belonged to the survivor; or any interest of a decedent in property owned by a joint stock or other corporate body whereby the survivor or survivors become beneficially entitled to the decedent's interest upon the death of a shareholder. However, if such property is so held by the decedent and the surviving spouse as the only co-owners, one half of such property is not subject to taxation under the provisions of this chapter, but if the surviving spouse proves that he or she contributed to acquisition of such property an amount, in money, or other property, greater than one half of the cost of the property held in joint tenancy, the portion of such property which is not subject to taxation under the provisions of this chapter shall be the portion which the actual contribution by the surviving spouse is of the total contribution to acquisition of such property. The tax imposed upon the passing of property under the provisions of this subsection shall apply to property held under all such contracts or agreements whether made before or after the taking effect of this chapter.

Issue: On its face, the provision appears to treat persons of different sexes the same. However, since more women are homemakers, women may be disadvantaged by this section.

In a situation where one spouse is a homemaker and the other is employed outside the home, each is presumed to contribute equally and receives one-half of the joint tenancy unless the surviving spouse can prove that he or she contributed more than one-half in money and property only (excluding services). So, for example, a husband and wife own a truck business in joint tenancy. The wife is a homemaker and the husband runs the business. The business has 100 trucks purchased from the profits of the business. The wife contributes one truck to the business paid for with money she inherited. The husband dies. According

to the Iowa Department of Revenue, the wife gets one-half of the joint tenancy. In order for the wife to get more than one-half in this example, she would have had to purchase 51 trucks from inheritance money or money or property sources of hers other than the business.

Therefore, unless she inherits money or property in the course of the marriage, it seems virtually impossible for a woman to ever establish contribution in excess of one-half the value because her contribution to the acquisition is not in "money or property" but rather is by her services. On the other hand, men are, as a rule, employed outside the home and therefore are paid for their services.

Recommendation: The value of services should be included along with "money or other property" when determining contributions to a joint tenancy.

Sec. 450.4 Exemptions. The tax imposed by this chapter shall not be collected:...

(2) When the property passes in any manner to societies, institutions or associations incorporated or organized under the laws of this state for charitable, educational, or religious purposes, and which are not operated for pecuniary profit or to cemetery associations, including humane societies or to resident trustees for such uses within this state, or to organizations composed wholly of veterans of any war of the United States of America; provided however, that this exemption shall also include property passing to any society, institution or association incorporated or organized under the laws of any other state for charitable, educational or religious purposes, and which are not operated for pecuniary profit or to trustees for such uses in such other state if under the laws of such state no tax would be imposed upon the passing of property to such institutions, societies or associations incorporated or organized under the laws of this state or to trustees for such uses in this state or to any organization composed wholly of veterans of any war of the United States of America.

Issue: Since the vast majority of veterans are men, the exemption will result in preferential treatment for such organizations. However, this exemption also applies to "charitable" groups, which could include other organizations composed exclusively of men or women.

Recommendation: When the Iowa Code (1985) is desexed it will not be necessary to state that words referring to one gender include the other gender, and this section can then be repealed.

CH. 508 LIFE INSURANCE COMPANIES

Issue: The chapter 508 Code sections which follow refer to mortality tables. According to the Insurance Department, these tables are not unisex tables. Rather, these tables separate people by sex when figuring life expectancies and benefits.

Recommendation: It should be specified in the Iowa Code that sex-blended mortality tables should be used on a prospective basis for establishing the baseline rates necessary to guarantee a level of reserves sufficient to maintain solvency. This would not interfere with the insurance industry's freedom to establish appropriate risk classifications for the pricing of policies. It would, however, remove the government from a position of advocating sex-based tables.

Sec. 508.36(2)

American Experience Table of Mortality
Actuaries' (or Combined) Experience Table of Mortality

Sec. 508.36(3)(a)

Commissioner's 1958 Standard Ordinary Mortality Table
Commissioner's 1980 Standard Ordinary Mortality Table
1980 Standard Ordinary Mortality Factors

Sec. 508.36(3)(a)(1) Standard Valuations. For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in the policies, the Commissioner's 1958 Standard Ordinary Mortality Table for policies issued prior to the operative date of section 508.37, subsection 6, provided that for any category of such policies issued on female risks all modified net premiums and the present values referred to in this subsection 3 may be calculated according to an age not more than 6 years younger than the actual age of the insured.

Issue: This section provides that, when figuring life insurance benefits for the purpose of this section, women may be paid at a lower rate than men.

Recommendation: See Ch. 508 Recommendation.

- Sec. 508.36(3)(a)(2)
1941 Standard Industrial Mortality Table
1961 Standard Industrial Mortality Table
- Sec. 508.36(3)(a)(3)
1937 Standard Annuity Mortality Table
Annuity Mortality Table
Annuity Mortality Table for 1949, Ultimate
- Sec. 508.36(3)(a)(4)
Group Annuity Mortality Table for 1951
- Sec. 508.36(3)(a)(5)
1952 Disability Study of the Society of Actuaries
- Sec. 508.36(3)(a)(6)
1959 Accidental Death Benefits Table
- Sec. 508.36(3)(g)(2)
1971 Individual Annuity Mortality Table
- Sec. 508.36(3)(g)(3)
1971 Individual Annuity Mortality Table
- Sec. 508.36(3)(g)(4)
1971 Group Annuity Mortality Table
- Sec. 508.36(3)(g)(5)
1971 Group Annuity Mortality Table

Sec. 508.37(5)(d)(1) All adjusted premiums and present values referred to in this section shall for policies of ordinary insurance be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table, provided that any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than six years younger than the actual age of the insured.

Issue: It is clear from the language cited above that there are two standards used for measuring net premiums and present values of ordinary policies of life insurance based upon sex.

Recommendation: Iowa law should require the prospective use of unisex tables.

- Sec. 508.37(5)(d)(1)
1958 Standard Ordinary Mortality Table
1941 Standard Individual Mortality Table
Commissioner's 1961 Standard Industrial Mortality Table
- Sec. 508.37(5)(d)(2)
Commissioner's 1958 Extended Term Insurance Table
1941 Standard Individual Mortality Table
Commissioner's 1961 Standard Individual Mortality Table
Commissioner's 1961 Individual Extended Term Insurance Table
- Sec. 508.37(6)(h)
1980 Standard Ordinary Mortality Table
1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors.
1961 Standard Industrial Mortality Table
- Sec. 508.37(6)(h)(4)
Commissioner's 1980 Extended Term Insurance Table
Commissioner's 1961 Individual Extended Term Insurance Table
- Sec. 508.37(6)(h)(6)
1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors
Commissioner's 1980 Extended Term Insurance Table
- Sec. 508.37(6)(h)(7)
Commissioner's 1961 Standard Industrial Mortality Table
Commissioner's 1961 Individual Extended Term Insurance Table
- CH. 511 PROVISIONS APPLYING TO LIFE INSURANCE COMPANIES AND ASSOCIATIONS.

Sec. 511.8(9)(c) Bonds, notes, or other evidences of indebtedness representing loans and advances of credit that have been issued or guaranteed, in whole or in part, in accordance with the terms and provisions of Title III of an Act of Congress of the United States of America approved June 22, 1944, known as Public Law 346-Seventy-eighth Congress, Chapter 2268-2nd Session, cited as the "Servicemen's Readjustment Act of 1944", as heretofore and hereafter amended.

Issue: Unfortunately, the Servicemen's Readjustment Act of 1944 is the name of a federal act. Therefore, the federal government would need to change the name of the act.

Recommendation: No change at this time.

CH. 554 UNIFORM COMMERCIAL CODE

Sec. 554.1102(5) In this chapter unless the context otherwise requires:...

(b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

Issue: The Iowa code (1983) has many references to the masculine gender, but in more cases, the masculine gender is interpreted to include the feminine. All references to the masculine gender which are intended to include the feminine will be eliminated in the Iowa Code (1985) by the Code Editor.

Recommendation: When the Iowa Code (1985) is desexed, it will not be necessary to state that words referring to one gender include the other gender, and this section can be repealed.

CH. 595 MARRIAGE

Sec. 595.19 Void marriages. Marriages between the following persons shall be void:

- (1) between a man and his father's sister, mother's sister, father's widow, wife's mother, daughter, wife's daughter, son's widow, sister, son's daughter, daughter's daughter, son's son's widow, daughter's son's widow, brother's daughter or sister's daughter.
- (2) between a woman and her father's brother, mother's brother, mother's husband, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, brother's son, or sister's son.
- (3) between first cousins.
- (4) between persons either of whom has a husband or wife living, but, if the parties live and cohabit together after the death or divorce of the former husband or wife, such marriage shall be valid.

Issue: Some marriages between people who were related only by marriage are void. For instance, a marriage between a man and his son's widow or between a man and his mother-in-law is void. Also, a marriage between a man and his father's sister is void. This section does not address the question of whether the word "father," for example, includes the natural father only or includes a step-father. We believe that any prohibition against persons marrying should be a prohibition based on a blood relationship for genetic reasons and should not prevent people from marrying who had previously only been related by marriage. Apparently, the present law is not enforced, although persons marrying those to whom they are related according to 595.19(1) and (2) are not legally married.

Also, it is unclear as to whether men are prohibited from marrying more types of related people than are women. A man, for example is prohibited from marrying his son's widow, whereas a woman is prohibited from marrying her daughter's husband. It is unclear as to whether the use of the word husband rather than widower means that a woman can marry her daughter's widower.

Recommendation: Change the law so that only persons who are closely related by blood up through first cousins are prohibited from marrying each other.

Sec. 597.15 Custody of children. If the husband abandons the wife she is entitled to the custody of the minor children, unless the district court, upon application for that purpose, shall otherwise direct, or unless a custody decree is entered in accordance with the provisions of chapter 598A.

Issue: This section prefers women because men are not statutorily afforded a comparable right of child custody if their wives abandon them. The word "abandon" should be defined as described in the following recommendation.

Recommendation: Change the word "husband" to "spouse." Statutorily define "abandon" to exclude circumstances where one spouse leaves due to physical or emotional abuse or other stressful circumstances. Also, the

word abandon should be statutorily defined to exclude circumstances where the departing spouse takes the children, leaving the remaining spouse alone. When the departing spouse takes the children, the remaining spouse should not automatically receive custody of the children.

CH. 598 DISSOLUTION OF MARRIAGE

Sec. 598.14 How temporary order made--changes. In making temporary orders, the court shall take into consideration the age and sex of the applicant, the physical and pecuniary condition of the parties, and such other matters as are pertinent...

Issue: Consideration of "sex" of the applicant gives the judge total discretion as to how this is interpreted and the result would be dependent upon that judge's orientation and could be based on stereotypes.

Recommendation: Delete the reference to the "sex" of the applicant.

CH. 601A CIVIL RIGHTS COMMISSION

Sec. 601A.13 Sex or age provisions not applicable to retirement plans. The provisions of this chapter relating to discrimination because of sex or age shall not be construed to apply to any retirement plan or benefit system of any employer unless such plan or system is a mere subterfuge adopted for the purpose of evading the provisions of this chapter.

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This paragraph does not prohibit the following:

a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law 95-256, section 3.

b. The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.

2. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

3. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

Issue: This provision states that, in regards to retirement plans or benefit systems, persons may be treated differently, based upon sex.

Recommendation: The law should provide that retirement and benefit systems must be unisex in application.

CH. 601F GOVERNOR'S COMMITTEE ON EMPLOYMENT OF HANDICAPPED

Sec. 601F.2 Membership. The committee shall be composed of a minimum of twenty-four members appointed by the governor and such additional members as the governor may appoint. Insofar as practicable, the committee shall consist of representatives of industry, labor, business, agriculture, federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, women's, and other professional groups and organizations. Members shall be appointed representing every geographic center and employment area of the state.

Issue: The law provides that the Governor's Committee on Employment of the Handicapped shall, insofar as practicable, include members of "women's groups." There is no similar requirement that members of "men's groups" should be considered.

Requirement: Delete the requirement that members of "women's groups" must be considered for membership on the Governor's Committee on Employment of the Handicapped."

CH. 605A JUDICIAL RETIREMENT SYSTEM

Sec. 605A.14 Forfeiture of benefits--refund. In the event a judge of the supreme, district or municipal court including a district associate judge, or a judge of the court of appeals, is removed for cause other than permanent disability he and his survivor shall forfeit the right to any retirement benefits under the system but the total amount of his contribution to the fund shall be returned to him or his legal representative.

Issue: A surviving spouse would lose retirement benefits when a judge is removed. Since almost all judges are male, this would have a disparate impact on females. In contrast, under the Iowa Public Employees' Retirement System (IPERS), if an employee is fired before retirement the surviving spouse may still receive benefits based upon the amount contributed and in accordance with the IPERS option selected. In other words, IPERS does not consider the reason a person may leave a state job prior to retirement when determining benefit options available at retirement age.

Recommendation: The judicial retirement system should be changed so that a surviving spouse does not lose benefits due to the judge's removal.

Sec. 605A.15 Annuity for survivor of annuitant. The survivor of a judge who was qualified for retirement compensation under the system at the time of his death, is entitled to receive an annuity of one-half the amount of the annuity the judge was receiving or would have been entitled to receive at the time of his death, or if the judge died before age sixty-five, then one-half of the amount he would have been entitled to receive at age sixty-five based on his years of service. Such annuity shall begin on the judge's death, or on the date the judge would have been sixty-five if he died earlier than age sixty-five, or upon the survivor reaching age sixty, whichever is later.

For the purpose of this chapter "survivor" means the surviving spouse of a person who was a judge, if married to the judge for at least five years next preceding his death, but does not include a surviving spouse who remarries.

In the event the judge dies leaving a survivor but without receiving in annuities an amount equal to his credit, the balance shall be credited to the account of his survivor, and if the survivor dies without remarrying and without receiving in annuities an amount equal to said balance, the amount then remaining shall be paid to the survivor's legal representative.

Issue: The spouse of a deceased judge who remarries loses all rights to retirement benefits under the judges' retirement program. So, for example, if a woman was married to a judge for 40 years, the judge retired and then died the year after retiring, and the widow remarried a year later, the widow would forfeit all benefits she would receive under the program including her right to withdraw the original amount contributed which had not yet been paid back in benefits. The program should be changed so that a surviving spouse is eligible for benefits regardless of whether the spouse remarries after the death of the judge. It is noted that surviving spouses of deceased employees receiving benefits under the Iowa Public Employees Retirement System do not forfeit their benefits upon remarriage.

Recommendation: The law should be changed so that the surviving spouse of a judge does not lose retirement benefits due to remarriage.

Sec. 605A.29 Survivor's annuity.

(1) A survivor of a senior judge or a retired senior judge shall be paid an annuity in lieu of that specified in section 605A.15, which is equal to one-half the amount of the annuity the senior judge or retired senior judge was receiving at the time of his or her death, provided the survivor is qualified under section 605A.15 to receive an annuity.

(2) A survivor of a person whose name is stricken from the roster of senior judges shall be paid an annuity equal to one-half of the amount the person was receiving at the time of his or her death, provided, the survivor is qualified under section 605A.15 to receive an annuity.

Requirement: Delete the requirement that members of "women's groups" must be considered for membership on the Governor's Committee on Employment of the Handicapped."

CH. 605A JUDICIAL RETIREMENT SYSTEM

Sec. 605A.14 Forfeiture of benefits--refund. In the event a judge of the supreme, district or municipal court including a district associate judge, or a judge of the court of appeals, is removed for cause other than permanent disability he and his survivor shall forfeit the right to any retirement benefits under the system but the total amount of his contribution to the fund shall be returned to him or his legal representative.

Issue: A surviving spouse would lose retirement benefits because of misbehavior of the judge. Since almost all judges are male, this would have a disparate impact on females. In contrast, under the Iowa Public Employees' Retirement System (IPERS), if an employee is fired before retirement the surviving spouse may still receive benefits based upon the amount contributed and in accordance with the IPERS option selected. In other words, IPERS does not consider the reason a person may leave a state job prior to retirement when determining benefit options available at retirement age.

Recommendation: The judicial retirement system should be changed so that a surviving spouse does not lose benefits due to the judge's removal.

Sec. 605A.15 Annuity for survivor of annuitant. The survivor of a judge who was qualified for retirement compensation under the system at the time of his death, is entitled to receive an annuity of one-half the amount of the annuity the judge was receiving or would have been entitled to receive at the time of his death, or if the judge died before age sixty-five, then one-half of the amount he would have been entitled to receive at age sixty-five based on his years of service. Such annuity shall begin on the judge's death, or on the date the judge would have been sixty-five if he died earlier than age sixty-five, or upon the survivor reaching age sixty, whichever is later.

Issue: The judicial retirement system does not afford the variety of retirement options which state employees under the Iowa Public Employees Retirement System (IPERS) may select. For example, one benefit option that a state employee subject to IPERS may select would be to elect to receive a lower monthly payment for life than some of the other options allow but with the provision that, upon the retired employee's death, the surviving spouse will receive a monthly payment for life at the same rate as the retired employee.

Recommendation: The judicial retirement system should be rewritten to afford judges various retirement options from which they may select as is done in the IPERS system.

CH. 613 PARTIES TO ACTIONS

Sec. 613.16 Parental responsibility for actions of children. (1) The parent or parents of an unemancipated minor child under the age of eighteen years shall be liable for actual damages to person or property caused by unlawful acts of such child. However, a parent who is not entitled to legal custody of the minor child at the time of the unlawful act shall not be liable for such damages.

Issue: When parents are divorced, usually one parent (more often the mother) gets legal custody and the other parent gets visitation rights. According to this section, the parent who does not have legal custody of the child is not held financially responsible for actual damages to person or property caused by the child. So, for example, if a mother had legal custody of her child, but the father was awarded physical custody of the child (visitation rights) for the summer months, the mother and not the father would be financially responsible for summer acts of vandalism by the child even though the child was then living with the father.

Recommendation: The law should be changed to provide that the parent having physical custody of the child should be the responsible parent.

CH. 633 PROBATE CODE

Sec 633.4 Gender and number. When used in this Code, unless otherwise required by the context, the masculine gender includes the feminine and the neuter; the singular number includes the plural and the plural number includes the singular.

Issue: The Iowa Code (1985) will be desexed so that it will no longer be necessary for a specification that a masculine gender reference includes the feminine gender.

Recommendation: When the Iowa Code (1985) is desexed, it will no longer be necessary to state that words referring to one gender include the other gender, and this section can then be repealed.

Sec. 633.210 Rules of descent. The estate of a person dying intestate shall descend as provided in sections 633.211 to 633.226.

Issue and Recommendation: See Section 633.212.

Sec. 633.211 Share of surviving spouse if decedent left issue. If the decedent dies intestate leaving a surviving spouse and leaving issue, the surviving spouse shall receive the following share:

(1) One-third in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or other judicial sale, and to which the surviving spouse has made no relinquishment of his right.

(2) All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.

(3) One-third of all other personal property of the decedent which is not necessary for the payment of debts and charges.

(4) If the property received by the surviving spouse under subsections 1, 2, and 3 of this section is not equal in value to the sum of fifty thousand dollars, then so much additional of any remaining homestead interest and of the remaining real and personal property of the decedent that is subject to payment of debts and charges against the decedent's estate, after payment of such debts and charges, even to the extent of the whole of the net estate, as may be necessary to make the amount of fifty thousand dollars.

Issue and Recommendation: See Section 633.212.

Sec. 633.212 Share of surviving spouse where decedent left no issue. If the decedent dies intestate leaving a surviving spouse and leaving no issue, the surviving spouse shall receive the following share:

(1) One-half in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or other judicial sale, and to which the surviving spouse has made no relinquishment of his or her right.

(2) All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.

(3) One-half of all other personal property of the decedent which is not necessary for the payment of debts and charges.

(4) If the property received by the surviving spouse under subsections 1 and 3 of this section is not equal in value to the sum of fifty thousand dollars, then so much additional of any remaining homestead interest and of the nonexempt real and personal property of the decedent remaining after payment of the debts and charges against the estate, as may be necessary, even to the extent of the entire net estate, to make the amount of fifty thousand dollars.

(5) So much additional of the remaining real and personal property belonging to the decedent as is necessary to make the entire share of the surviving spouse, including the property received under subsections 1, 3 and 4 of this section, equal in value to the aforesaid sum of fifty thousand dollars plus one-half of the net value of the estate over and above the said sum of fifty thousand dollars and the value of the exempt personal property.

Issue: Sections 633.211 and 633.212 outline what the surviving spouse (if any) and the heirs receive when the decedent dies without a will. Roughly speaking, if there are children or grandchildren surviving, the surviving spouse receives one-third of the estate or the first \$50,000, whichever is greater, with the children receiving two-thirds of the estate. Grandchildren inherit their deceased parents' share. If there are no children or grandchildren, the surviving spouse receives the first \$50,000, plus one-half of the rest of the estate. The balance of the estate goes to the decedents' parents if living, and if the parents are not living, then to brothers and sisters.

Thus, surviving spouses with children inherit less than surviving spouses without children. As in other areas of the law where each spouse is assumed to have contributed equally unless otherwise proven, a surviving spouse with children should inherit the same amount as the spouse without children, which is roughly fifty percent of the estate.

However, consideration should be given as to whether assets inherited by a deceased spouse while living and to which the deceased spouse made little or no economic contribution should be part of the deceased spouse's estate for purposes of determining the amount of the estate from which the surviving spouse may inherit under intestate succession laws or as an election against the will.

For example, if the wife inherits her parents' farm, under the present law, the farm, even if left solely in her name, is included in her estate when determining what the husband may inherit, and the husband may inherit approximately one-third or one-half of the estate if the wife dies without a will, depending upon whether she has children, or if the wife dies with a will, and the husband does not like the amount he would receive under the will, the husband may elect against the will and receive one-third of her estate. This election against the will or the intestate succession laws may prevent a family farm from being passed to succeeding generations in the same blood line.

We do see a distinction between a situation where the wife inherits a farm and the husband makes little or no money, service or contribution to the farm as compared to a situation where the husband and wife live on the farm for many years and farm it. In the latter case, the husband has made an economic and service contribution and should be entitled to some inheritance. However, in the former example, allowing the husband to receive a substantial benefit merely for having married the wife is contrary to an appropriate inheritance philosophy as between husbands and wives.

Recommendation: Surviving spouses should receive one-half of the estate, regardless of whether there are surviving children. However, the "estate" should

include inherited property of the deceased spouse only to the extent that the surviving spouse made a money, service or economic contribution to the inherited property. Legislation should be drafted which would define the contribution which would be necessary for a surviving spouse to receive a share of the deceased spouse's inheritance.

Sec. 633.238 Share of surviving spouse who elects to take against will. If the surviving spouse elects to take against the will, the share of such surviving spouse will be:

(1) One-third in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or other judicial sale, and to which the surviving spouse has made no relinquishment of his right.

(2) All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.

(3) One-third of all other personal property of the decedent that is not necessary for the payment of debts and charges.

Issue: Presently, a spouse without children could receive about one-half of the estate if the deceased spouse died without a will but only one-third if the deceased spouse left a will and the surviving spouse elected against the will. The present law could encourage a surviving spouse with no children who was to receive little by will to tear up the will so that the spouse could receive one-half rather than one-third of the estate.

Recommendation: The surviving spouse who elects against the will should receive one-half of the estate. The one-half which the spouse should be able to receive by electing against the will should not include assets inherited by the deceased spouse for which the surviving spouse made no or little life-time money, service, or economic contribution. See the problem definition for section 633.212 for a more detailed discussion.

Sec. 633.425 Classification of debts and charges. In any estate in which the assets are, or appear to be, insufficient to pay in full all debts and charges of the estate, the personal representative shall classify the debts and charges as follows:

- (1) Court costs.
- (2) Other costs of administration.
- (3) Reasonable funeral and burial expenses.
- (4) All debts and taxes having preference under the laws of the United States.
- (5) Reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending at the decedent's last illness.
- (6) All taxes having preferences under the laws of this state.
- (7) All debts owing to employees for labor performed during the ninety days next preceding the death of the decedent.
- (8) All unpaid support payments as defined in section 598.1, subsection 2, and all additional unpaid awards and judgments against the decedent in any dissolution, separate maintenance, uniform support, or paternity action to the extent that the support, awards, and judgments have accrued at the time of death of the decedent.
- (9) All other claims allowed.

Issue: Unpaid support payments are eighth on the list of priorities.

Recommendation: Unpaid support payments should have priority over court costs, funeral expenses, medical expenses and debts owing to employees.

CH. 659 LIBEL AND SLANDER

Sec. 659.4 Candidate for office-retraction-time. If the plaintiff was a candidate for office at the time of the libelous publication, no retraction shall be available unless published in a conspicuous place on the editorial page, nor if the libel was published within two weeks next before the election; provided that this and sections 659.2 and 659.3 shall not apply to any libel imputing unchastity to a woman.

Issue: If the news media commits libel by imputing unchastity of a woman, the media is not allowed to minimize potential liability for damages by printing a retraction. The last sentence should be changed so that this section and section 659.2 and 659.3 shall apply to libel "imputing sexual misconduct of any person." In this way, the protection afforded by this section would apply to men as well as women.

Libel relating to one's sexual conduct is damaging to one's reputation and character and can severely jeopardize one's personal relationships, employment and status in the community.

Recommendation: This section should be rewritten to protect the reputations of both men and women.

CH. 674 CHANGING NAMES

Sec. 674.6 Spouse must join. If the petitioner is married, the spouse must join in the petition or file written consent with the petition.

If the petition includes or is filed on behalf of a minor child fourteen years of age or older, the child's written consent to the change of name of that child is required.

If the petition includes or is filed on behalf of a minor child under fourteen, both parents as stated on the birth certificate of the minor child shall file their written consent to the name change. If one of the parents does not consent to the name change, a hearing shall be set on the petition of twenty days notice to the nonconsenting parent pursuant to the rules of civil procedure. At the hearing the court may waive the requirement of consent as to one of the parents if it finds:

- (1) That the parent has abandoned the child;
- (2) That the parent has been ordered to contribute to the support of the child or to financially aid in the child's birth and has failed to do so without good cause; or
- (3) That the parent does not object to the name change after having been given due and proper notice.

Issue: According to Chapter 674, a person who wants a name change must file a petition in district court requesting the change. This petition requirement does not apply when the person is getting married (section 595.5) or the name change occurs as part and parcel to a dissolution decree (section 674.13). A person who marries and wants a name change must obtain the spouse's consent. This required permission would have a greater impact on wives since they more often desire to change their names, to, for example, hyphenated last names which includes their unmarried last names.

Recommendation: Adult persons should not be required to obtain their spouses' consent before changing their names. They should be required to give legal notice to spouses of the name changes.

CH. 675 PATERNITY OF CHILDREN AND OBLIGATION OF PARENTS
THEREON

675.1 Obligation of parents. The parents of a child born out of wedlock and not legitimized (in this chapter referred to as "the child") owe the child necessary maintenance, education, and support. They are also liable for the child's funeral expenses. The father is also liable to pay the expense of the mother's pregnancy and confinement. The obligation of the parent to support the child under the laws for the support of poor relatives applies to children born out of wedlock.

Issue: Only the father is responsible for the mother's pregnancy and confinement costs when the child is born out of wedlock.

Recommendation: Both parents should be responsible for the expenses of pregnancy and childbirth according to their ability to pay.

Sec. 675.2 Recovery by mother from father. The mother may recover from the father a reasonable share of the necessary support of the child.

Issue: This section does not provide for recovery by the father from the mother if the father is the custodial parent.

Recommendation: If the father takes the child to raise, the mother should pay child support in accordance with 675.1. "Mother" should be changed to "custodial parent" and "father" should be changed to "non-custodial parent."

Sec. 675.3 Limitation on recovery. In the absence of a previous demand in writing (served personally or by certified mail addressed to the father at his last known residence or in the manner provided for service of original notices) not more than two years' support furnished prior to the bringing of the action may be recovered.

Issue: If the father took the child to raise, this law would not allow him to recover from the mother, any support for the child, although Section 675.1 imposes this responsibility on the mother as well as on the father if changed as proposed.

Recommendation: "Father" should be changed to "non-custodial" parent.

CH. 812 CONFINEMENT OF MENTALLY ILL OR DANGEROUS PERSONS

Sec. 812.5 Effect of restoration of mental capacity. If the accused is committed to the department of human services, after the expiration of a period not to exceed six months, the court shall upon hearing review the confinement and determine whether there is a substantial probability the prisoner will regain capacity within a reasonable time. If not, the state shall be directed to institute civil commitment proceedings. When it thereafter appears that the accused can effectively assist in his or her defense, that department shall give notice to the sheriff and county attorney of the proper county of such fact, and the sheriff, without delay must receive and hold the accused in custody until he or she is brought to trial or judgment, as the case may be or is legally discharged, the expense for conveying and returning the accused, or any other, to be paid in the first instance by the county from which the accused is sent, but such county may recover the same from another county or municipal body bound to provide for or maintain the accused elsewhere, and the sheriff shall be allowed for his or her services the same fees as are allowed for conveying convicts to the penitentiary.

Issue: The implication is that only male prisoners are at issue, since in Iowa only male prisoners go to the penitentiary.

Recommendation: Change the law to include all inmates under the umbrella of the Department of Corrections.

CH. 815 COSTS OF PROCEEDINGS AND COMPENSATION OF GRAND JURY CLERKS, ATTORNEYS, WITNESSES AND OTHERS

Sec. 815.8 Sheriff's fees. For delivering prisoners under the change of venue provisions of R.Cr.P.10 or transferring prisoners under section 804.24, sheriffs are entitled to the same fees as are allowed for conveyance of convicts to the penitentiary.

Issue: The implication is that only male prisoners are at issue, since in Iowa only male prisoners are sent to the penitentiary.

Recommendation: Change the law to include all inmates under the umbrella of the Department of Corrections.